

EXHIBIT 3

John Barsum

September 8, 2003

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA3 BOARHEAD FARM AGREEMENT CIVIL ACTION NO.
4 GROUP, 02-CV-3830
5 Davis Judge Legrome D.
6 Plaintiff,
7 vs.8 ADVANCED ENVIRONMENTAL TECHNOLOGY ORAL DEPOSITION OF:
9 CORPORATION; ASHLAND CHEMICAL
10 COMPANY; BOARHEAD CORPORATION;
11 CARPENTER TECHNOLOGY CORPORATION;
12 CROWN METRO, INC.; DIAZ CHEMICAL
13 CORPORATION; EMHART INDUSTRIES,
14 INC.; ETCHED CIRCUITS, INC.; FCG,
15 INC.; GLOBE DISPOSAL COMPANY, INC.; JOHN BARSUM
16 GLOBE-WASTECH, INC.; HANDY & HARMAN
17 TUBE COMPANY, INC.; KNOLL, INC.;
18 MERIT METAL PRODUCTS CORPORATION;
19 NOVARTIS CORPORATION; NRM INVESTMENT
20 COMPANY; PLYMOUTH TUBE COMPANY;
21 QUIKLINE DESIGN AND MANUFACTURING
22 COMPANY; RAHNS SPECIALTY METALS,
23 INC.; ROHM & HAAS COMPANY, SIMON
24 WRECKING COMPANY, INC.; TECHALLOY
25 COMPANY, INC.; THOMAS & BETTS
 CORPORATION; UNISYS CORPORATION;
 UNITED STATES OF AMERICA
 DEPARTMENT OF NAVY,

ORIGINAL

18 Defendants.

19 * * * * *
20 Monday, September 8, 2003
21 * * * * *22 Transcript in the above matter taken at
23 the offices of Ballard, Spahr, Andrews & Ingersoll,
24 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
25 Pennsylvania, commencing at 10:05 a.m.

2 Certified Shorthand Reporting Services

3 Arranged Through
4 Mastroianni & Formaroli, Inc.
5 709 White Horse Pike
6 Audubon, New Jersey 08106
7 (856) 546-1100

John Barsum

September 8, 2003

Page 178

Page 180

1 it, on the ticket, that's how I know.
 2 Q. Gotcha. You get through the gate?
 3 A. Uh-huh.
 4 Q. Go fill up?
 5 A. That was his account I believe.
 6 Q. Okay. What did you do with those loads of
 7 waste from Rohm & Haas, where did you take them to be
 8 disposed?
 9 A. Rohm & Haas went to Philadelphia.
 10 Q. Which one?
 11 A. Ontario.
 12 Q. Any of them ever go to Boarhead that you
 13 took?
 14 A. I never took any.
 15 Q. Do you know if any other drivers from
 16 DeRewal ever picked up waste from that facility and
 17 took it back to Boarhead?
 18 A. No, I don't.
 19 Q. Any other Rohm & Haas facilities that you
 20 ever went to to pick up waste?
 21 A. Other than the Croydon?
 22 Q. Other than the Croydon.
 23 A. No.
 24 Q. Did you ever pick up fiber drums from
 25 anybody?

1 Q. Did you ever go to a company called
 2 Quickline Design to pick up waste?
 3 A. No.
 4 Q. Now, you mentioned Ashland a couple of
 5 times. Where did you go, what Ashland facility did you
 6 go to?
 7 A. Grape Meadows.
 8 Q. New Jersey?
 9 A. Yeah.
 10 Q. Describe for us how you got there.
 11 A. How we came up?
 12 Q. Yeah.
 13 A. 95 to 31, 31 up to 57, 57 to 46, 46 out to
 14 Grape Meadows.
 15 Q. What did that facility look like?
 16 A. Big operation.
 17 Q. Kind of like Diaz, that kind of big?
 18 A. It's -- yeah, it's a bigger operation.
 19 Q. Bigger than Diaz?
 20 A. Oh, I think so, yeah.
 21 Q. How many buildings do you think?
 22 A. Oh, they had several buildings there. I
 23 don't know exactly how many.
 24 Q. What did you go there to pick up?
 25 A. Sulphuric.

Page 179

Page 181

1 A. I don't know. I got to remember the name,
 2 it's so long ago. I don't know, I got to -- yeah, I
 3 could have but I don't even know the name.
 4 Q. I'm just seeing if it triggers a memory of
 5 fiber drums instead of steel drums, you know.
 6 A. I don't remember any really, no.
 7 Q. Okay. Did you ever go to a place called
 8 Etched Circuits?
 9 A. Etched Circuits? Trying to remember where
 10 it's at now. I didn't go to those places a lot, I
 11 remember going there though. Trying to remember where
 12 that's at. Can't remember where that's at.
 13 Q. You do remember going to a place called
 14 Etched though?
 15 A. I do remember that name though.
 16 Q. What else -- do you remember anything else
 17 about what you picked up there?
 18 A. I'm trying to remember where that was at, I
 19 can't think of it. It was only a couple times I went
 20 there. It wasn't every week or every couple of weeks.
 21 It was maybe twice a year.
 22 Q. Was it drums or bulk?
 23 A. I'm not sure. I remember the name though, I
 24 recall that name. I ain't sure, I'm not sure if it was
 25 bulk.

1 Q. Bulk?
 2 A. Yeah, bulk.
 3 Q. How many times did you go to Ashland to pick
 4 up waste?
 5 A. Back then I was doing it twice a week, maybe
 6 three times. It was pretty steady there, about two or
 7 three times a week.
 8 Q. For what period of time, how many months?
 9 A. How many months?
 10 Q. Yeah.
 11 A. Until things got stopped.
 12 Q. Until the end of --
 13 A. Until the end.
 14 Q. -- of the operation?
 15 A. Yeah.
 16 Q. The Boarhead operation?
 17 A. Yeah.
 18 Q. Had it been more or less than a year that
 19 you had been going there?
 20 A. Yeah, it was over a year, yeah.
 21 Q. Okay. Did anybody there ever tell you what
 22 you were picking up?
 23 A. Yeah, I knew it was sulphuric. It's marked,
 24 these tanks were all marked.
 25 Q. Okay. Do you know the names of anybody at

John Barsum

September 8, 2003

Page 182

Page 184

1 Ashland?

2 A. No. It was nighttime. Just the guys that
 3 work the shift, the night shift. I don't know them
 4 all. I just go in, tell the guy I'm picking up, that's
 5 it.

6 Q. Did you have to go through a gate?

7 A. No gate, but there was an entry way coming
 8 in off of 57 -- off of 46 I mean.

9 Q. Like a big driveway you mean?

10 A. Yeah, they had their own private road, you
 11 come through about a half a mile in.

12 Q. What did you have to do when you got there?

13 Did you have to tell somebody you were there?

14 A. Yeah, I'd go tell the guys that were working
 15 where that tank's at, and just tell them I'm here to
 16 pick up.

17 Q. What kind of tank was this, or were there
 18 more than one?

19 A. Yeah, these were big tanks also, steel
 20 tanks.

21 Q. How many?

22 A. Probably four in a row, lined back to back.

23 Q. How big each?

24 A. Twenty, 30,000 each.

25 Q. Are they horizontal -- I mean vertical?

Page 183

Page 185

1 A. I don't -- geez, I'm trying to remember.
 2 Some were down on the ground laying horizontal, and
 3 there were a couple verticals, yeah. I'm not sure how
 4 many.

5 Q. How did you get filled?

6 A. They pumped it on.

7 Q. Where did the material from the trips you
 8 made to Ashland go for disposal?

9 A. Philadelphia.

10 Q. Which one?

11 A. Wissinomong.

12 Q. Any of it ever go back to the farm that you
 13 drove?

14 A. I never took any. Maybe one or two, maybe.
 15 I'm not sure though. I could have took one or two
 16 there. But the bulk of it came to Philly.

17 Q. What's causing you to say maybe one or two?

18 A. Because I don't remember -- I remember one
 19 or two possibly that went there because he couldn't
 20 take it to Philly for some reason. So I came out the
 21 farm and took it.

22 Q. And sitting here today, you think that
 23 happened a couple times?

24 A. Yeah, I think it did.

25 Q. When you went back to Boarhead Farms it got

1 dumped back in the hole, the pits?

2 A. No. That went to a tank. That went on that
 3 tank and we tried to neutralize it. Any sulphuric we
 4 tried to neutralize.

5 Q. The tanks you told us about many hours
 6 ago now --

7 A. Yeah.

8 Q. -- that were upright tanks at Fred's place?

9 A. Yeah, that was with the lime to cut it back.

10 Q. And did you personally put it in those

11 tanks?

12 A. Yeah.

13 Q. By "it", I'm talking about the Ashland

14 stuff.

15 A. Yeah. But the bulk of it went to Philly,
 16 just that we couldn't get down there that time to
 17 unload it.

18 Q. Did you have to have paperwork when you went
 19 to Ashland?

20 A. Uh-huh.

21 Q. Did you have paperwork with you that you had
 22 to show them?

23 A. Yeah, they gave us a paper, a manifest.

24 Q. All right, you showed up at Ashland --

25 A. I told them who I was.

John Barsum

September 8, 2003

Page 186

Page 188

1 But I think the suggestion that you take a few bites
 2 every now and then is not a bad one while you're doing
 3 that.

4 There's a few of them, so here's what I
 5 suggest you do. Why don't you turn the ones you see
 6 with your signature on them sideways in the pile?

7 THE WITNESS: I didn't see any of them
 8 yet.

9 MR. HARRIS: Keep going, you'll see a
 10 few. The first one's a ways down.

11 THE WITNESS: It's down below the middle?

12 MR. HARRIS: Well, keep going.

13 (OFF-THE-RECORD DISCUSSION)

14 BY MR. HARRIS:

15 Q. All right, Mr. Barsum, you picked out one
 16 and I got stuck with the one that had 20 in it. Would
 17 you look through all the ones that I've got sideways
 18 and just tell the court reporter whether that's your
 19 signature on each one of those?

20 MR. DILLON: Could you have the witness
 21 read the Bates number when he identifies them?

22 MR. HARRIS: Yeah. Do you want him to do
 23 it or do you want me to read it?

24 MR. DILLON: I don't care who does it,
 25 just so it's on the record.

1 Q. 515?

2 A. 515, yeah.

3 Q. And these are all your signatures that we're
 4 calling out, right?

5 A. Yeah. 517. Yeah, what is that? 411. 518.

6 Q. This is a mystery one. This one's dated

7 February 26, '77. Is that your signature?

8 A. Yes. 398, yep.

9 Q. Dated May 1st, '77 -- March 1st?

10 A. March 1st -- May.

11 Q. I don't know what it says.

12 A. It's either May 1st -- it's either March 1st
 13 or May 1st, 1977. March 2nd.

14 Q. '77?

15 A. '77.

16 Q. 204?

17 A. Yeah.

18 Q. 206?

19 A. 206.

20 Q. Is that you there, 208?

21 A. Yeah. I got some fuel in my eyes, I got
 22 burnt, that's why I can't see. I got some fuel line,
 23 fuel line broke.

24 Q. Oh, geez. 215?

25 A. Yes.

Page 187

Page 189

1 THE WITNESS: What do you want to do now,
 2 Glenn?

3 BY MR. HARRIS:

4 Q. I need you to say, "Oh, yeah that's my
 5 signature."

6 A. That's my signature.

7 Q. And it's on 533?

8 A. 533. That's mine.

9 Q. 396?

10 A. 396.

11 Q. 520, is that your signature?

12 A. Yeah, that's my signature.

13 Q. All right, I'm just trying to make this
 14 easy.

15 A. That's mine.

16 Q. 524.

17 A. 412.

18 Q. 412.

19 A. What's this one?

20 Q. 513. Is that you on 513?

21 A. That's it.

22 Q. Is that you?

23 A. That's mine.

24 Q. 4014?

25 A. Yeah. 535. What's that one?

1 Q. 239?

2 A. 239, yeah. You see they're red?

3 Q. Yeah. Is that your signature -- I don't
 4 know. Is that your signature? It's kind of cut off.

5 A. Looks like a J. I don't know if it's mine.

6 Q. Not sure?

7 A. I'm not sure.

8 Q. Okay, let's skip it if we're not sure. I
 9 don't know if we got this one or not. 51?

10 A. Yep.

11 Q. Okay. All right, enough. All those
 12 documents we just read into the record --

13 A. Now you got to go back with those papers to
 14 them, to verify?

15 Q. Yeah, just that they're your signatures.

16 A. Yeah, they're my signatures.

17 Q. And these are all the kinds of documents
 18 you're talking about that they gave you when you went
 19 and picked loads up?

20 A. Yeah, it was their paper, it's their
 21 manifest.

22 Q. Okay. Did you take a copy of it with you?

23 A. Well, they kept a copy.

24 Q. Did you take one, too?

25 A. Yeah, I took it out of the book.

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA3 BOARHEAD FARM AGREEMENT CIVIL ACTION NO.
4 GROUP, 02-CV-3830
5 Plaintiff,

Judge Legrome D. Davis

5 vs. Oral Deposition of
6 ADVANCED ENVIRONMENTAL TECHNOLOGY JEFFREY SHAAK
7 CORPORATION; ASHLAND CHEMICAL
8 COMPANY; BOARHEAD CORPORATION;
9 CARPENTER TECHNOLOGY CORPORATION;
10 CROWN METRO, INC.; DIAZ CHEMICAL
11 CORPORATION; EMHART INDUSTRIES,
12 INC.; ETCHED CIRCUITS, INC.; FCG,
13 INC.; GLOBE DISPOSAL COMPANY, INC.;
14 GLOBE-WASTECH, INC.; HANDY & HARMAN
15 TUBE COMPANY, INC.; KNOLL, INC.;
16 MERIT METAL PRODUCTS CORPORATION;
17 NOVARTIS CORPORATION; NRM INVESTMENT
18 COMPANY; PLYMOUTH TUBE COMPANY;
19 QUIKLINE DESIGN AND MANUFACTURING
20 COMPANY; RAHNS SPECIALTY METALS,
21 INC.; ROHM & HAAS COMPANY, SIMON
22 WRECKING COMPANY, INC.; TECHALLOY
23 COMPANY, INC.; THOMAS & BETTS
24 CORPORATION; UNISYS CORPORATION;
25 UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

ORIGINAL

18 * * * * *
19 WEDNESDAY, JUNE 4, 2003
20 * * * * *21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10:00 A.M.25 Certified Shorthand Reporting Services
Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

<p style="text-align: right;">Page 18</p> <p>1 Q. What pieces of paper were involved in 2 the truck -- the in driving truck business? 3 A. Like invoices. 4 MR. DILLON: Objection to the form. 5 (BY MR. HARRIS:) 6 Q. Yes. What pieces of paper did you have 7 to deal with as a truck driver for Fred? 8 A. Invoices. 9 Q. What do you mean by invoice? 10 A. Well, when I picked up different 11 materials they give me an invoice and when I got back 12 I just give it to him. 13 Q. Okay. Let's break that down. 14 Who would give you the invoice? 15 A. The company in which I went to. 16 Q. Okay. 17 A. Let me just say this: I worked with 18 Fred maybe a year and-a-half there and then maybe I 19 didn't. I stopped work there for maybe a year then I 20 went back. 21 Q. Okay. Fair enough. Let's back up and 22 clear that up. 23 There was a time when you started to 24 work for Fred? 25 A. Right.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And they would give it to you? 2 A. Yes. 3 Q. Would you sign it? 4 A. I think I did sign it. 5 Q. What did you do when you got back? 6 A. I gave it to Linda or I gave it to 7 Manfred. 8 Q. Were there any other pieces of paper 9 that you had to deal with as a truck driver? 10 A. Just my logs. 11 Q. Tell me about those. 12 A. Well, you can only drive like eight 13 hours a day. 14 Q. You mean your regular driver log? 15 A. Right, exactly. 16 Q. Did you keep those? 17 A. Yes, I kept them. 18 Q. Were they part of Fred's business or was 19 that your stuff? 20 A. No. That was my stuff so if I ever get 21 stopped I can present it to the PennDot, DOT. 22 Q. Did you have to do little route sheets 23 for Fred, any kind of card that indicated where you 24 were on a given day or anything like that? 25 MR. DILLON: Objection to the form.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. And then you stopped for a while? 2 A. Right. 3 Q. Tell me about that. What happened 4 there? 5 A. Well, I worked for him when I first 6 started with him for about a year, year and-a-half 7 and then I went into my own business, which was 8 roofing, and then it was a little slow so I went back 9 to work with him for about another year. 10 Q. Okay. 11 A. And then I started up the excavation. 12 It was called Keystone Excavating. It was Bruce, 13 Freddie and I that started that. Probably around '76 14 we started that. 15 Q. How long a period of time, you might 16 have said this, but how long a period of time was 17 there that you were not working for Fred in the 18 middle there? 19 A. I would say about a year, year 20 and-a-half. Somewhere, about a year maybe. 21 Q. Let's go back to these other questions 22 now about the pieces of paper. 23 You would get an invoice at the 24 customer when you went to pick up the material? 25 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. No. No. 2 Q. So other than your driver log, about the 3 only paper you had to deal with was the invoice you 4 got from the customer? 5 A. That is correct. 6 Q. Let's go to the other end, let's go to 7 the end of the business with Fred, the driving truck 8 for Fred and I want to ask you about the March 29th, 9 1977 episode down at Wissinoming. 10 A. Wissinoming? 11 Q. Yes. By the Delaware River in 12 Philadelphia. 13 A. Oh, along the river there. When we got 14 caught? 15 Q. When you got caught. 16 A. What year was that? 17 Q. '77. 18 A. '77? 19 Q. That's why we are doing this so I can 20 jog your memory a little bit. 21 A. I believe you. 22 Q. The court records show it was 1977. 23 A. That very well could be. 24 Q. March 29th, 1:30 in the morning? 25 A. Yes, it was early in the morning.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. I don't need excruciating detail but 2 give us just a general idea of what happened. 3 A. What was happening? Well, we were 4 dumping in the river. 5 Q. Did you understand at that time that the 6 vicinity of where the river was there that Fred had a 7 location that he had for his business? 8 A. Does this pertain to Boarhead or are you 9 going in another direction? I thought it was just 10 for Boarhead. 11 Q. It is. 12 A. What does that have to do with Boarhead? 13 Q. Well, because we need to know where 14 waste went over periods of time so we need to know 15 when it went to Boarhead, when it went somewhere else 16 and so that's why I am asking these questions. 17 A. I don't know if I should answer that 18 question. 19 Q. Well, you are free to consult a lawyer 20 if you would like. So far the question is only if 21 you knew about -- if you knew whether Fred had a 22 location in the Wissinoming Industrial Park that he 23 was using as part of his business. I haven't asked 24 if you dumped anything there. 25 A. Well, I know that's coming.</p>	<p style="text-align: right;">Page 24</p> <p>1 description of what he was going to ask. 2 MR. SABINO: And all of the other 3 witnesses who have been here over the past few weeks 4 have been asked questions about those other sites, as 5 well. Just so that you know what has been going on. 6 MR. HARRIS: Sure. 7 THE WITNESS: I will answer your 8 question. 9 (BY MR. HARRIS:) 10 Q. Again -- 11 A. No. Go ahead. 12 Q. You want to get a lawyer, that's fine. 13 You can play it by ear. 14 A. It's pretty near over. Well, it is over 15 for me. 16 Q. So let's take them one step at a time. 17 A. Okay. 18 Q. Did you know about the Wissinoming 19 facility? 20 A. Yes, I did. 21 Q. After this -- were you guys arrested 22 that night -- 23 A. Yes. 24 Q. -- or 1:30 in the morning? 25 A. Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Well, you have a right to be represented 2 by a lawyer. 3 A. I have a right to say I don't want to 4 answer that question, too. 5 Q. Well, that's a tougher question 6 actually. If you think you should consult an 7 attorney before you answer any of my questions, you 8 can do that. You are free to do that. We will stop 9 the deposition and you can go talk to a lawyer if you 10 want to. 11 My questions are mostly going to focus 12 on the Boarhead Farm site, but I want to get a 13 framework of when you were working for Fred and when 14 you weren't working for Fred and that's one of the 15 reasons why I am asking the question. It's up to you 16 whether you want to answer that question or not. 17 MR. DILLON: Mr. Shaak, in fairness to 18 you, I think it's important that I put on the record 19 a number of the other parties in this room are more 20 likely than not going to ask questions directly 21 relating to Wissinoming, the industrial park, the 22 disposal operation that went on there and other 23 locations that we believe Mr. DeRewel's business used 24 to dispose of waste. I just think it's not fair to 25 you not to tell you that in light of Mr. Harris's</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Did you personally ever go back to the 2 Wissinoming Industrial Park after the day you were 3 arrested? 4 A. I will be honest with you, I can't 5 remember that question. I can't. I really can't. I 6 might have, maybe a couple of times. I don't know. 7 Q. Okay. 8 A. I don't think so though. 9 Q. Would have tended to discourage you, 10 right? 11 A. Yes. After that I was pretty well done 12 with him. 13 Q. Now, having pinned down -- well, let me 14 follow up on that question. 15 Did you continue to work for Fred after 16 that night? 17 A. Probably for a short, for a short while. 18 Q. Okay. 19 A. But, like I said, we did start that 20 business. I thought it was in '76, could have been 21 in '77. 22 Q. This was Keystone? 23 A. That's correct. I think everybody 24 folded up after that. 25 Q. Meaning the whole operation?</p>

<p style="text-align: right;">Page 50</p> <p>1 A. Okay. It's down from the school. It's 2 about a half-mile down going away from -- how can I 3 say -- the navy base. Right around the navy base. 4 On that back road of the navy base. I think that's 5 Hatboro Road, but I am not positive. Going away from 6 Hatboro and you pass the school and then down on the 7 left was this place.</p> <p>8 Q. Okay.</p> <p>9 A. Sat in the back there. On the left 10 hand -- go back there. There is a couple of other 11 buildings I think I went by and I think it was the 12 last building in the back.</p> <p>13 Q. You turned left off the Hatboro Road --</p> <p>14 A. Yes.</p> <p>15 Q. -- into the property?</p> <p>16 A. No. There was a road, a road. And 17 there was a couple of other industrial buildings, not 18 big though and it sat in the very back.</p> <p>19 Q. Was it one or more buildings that were 20 involved in this facility that we are talking about 21 now?</p> <p>22 A. That I picked up?</p> <p>23 Q. Yes.</p> <p>24 A. It was just one building.</p> <p>25 Q. How big was the building?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Was there a driveway that went up to the 2 docks?</p> <p>3 A. Yeah. There was a parking lot and you 4 backed right up. It was not far off the road that I 5 remember.</p> <p>6 Q. By the road are we talking the road off 7 of Hatboro Road?</p> <p>8 A. Yes. It was like a cul-de-sac. I don't 9 know if there is a cul-de-sac back there but it just 10 ended and the building was on the left.</p> <p>11 Q. What kind of drums were there there that 12 you picked up?</p> <p>13 A. What was in them?</p> <p>14 Q. What kind of drums?</p> <p>15 A. They were metal drums, but I don't know 16 if they had plastic liners in them or not.</p> <p>17 Q. I didn't ask you a good question. 18 Were they 55-gallon drums?</p> <p>19 A. Yes. Yes.</p> <p>20 Q. Interrupt for a second. 21 The drums we have already talked about 22 at Dick whatever his name is, were they a 55-gallon 23 drum?</p> <p>24 A. Yes.</p> <p>25 Q. The drum at the off 73?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. What's coming up in my mind is the front 2 of it.</p> <p>3 Q. Describe it for me.</p> <p>4 A. It was a brick building. The front was 5 brick.</p> <p>6 Q. Red brick?</p> <p>7 A. Yes. I would estimate the size -- it 8 was more square than long, I know that. I would say 9 probably 75-by-75, a-hundred-by-a-hundred, something 10 like that. It was a nice size.</p> <p>11 Q. How many stories?</p> <p>12 A. It was only one with a flat roof.</p> <p>13 Q. Did you ever go inside that building?</p> <p>14 A. No. Never went inside. Just backed up 15 to the docks, the docks were like down a little bit 16 and drove the little state body again.</p> <p>17 Q. The state body?</p> <p>18 A. Yeah.</p> <p>19 Q. Which side of the building were the 20 docks on?</p> <p>21 A. I think they were on the right side 22 facing the building.</p> <p>23 Q. So as you approached the building?</p> <p>24 A. No. As you are standing in front of the 25 building it would be to the right, I believe.</p>	<p style="text-align: right;">Page 53</p> <p>1 A. They were all 55-gallon.</p> <p>2 Q. All the drums we talked about are all 3 55-gallon drums?</p> <p>4 A. Yes.</p> <p>5 Q. Now, let's get back to the Hatboro 6 place.</p> <p>7 Did you speak to anybody there when you 8 were making the pick-up?</p> <p>9 A. I might have, but I don't remember. I 10 went there -- I went there maybe two or three times 11 and I think I went there one time with Freddie or 12 Bruce to show me and then I went by myself. I had to 13 talk to somebody.</p> <p>14 Q. Right. Okay. Sitting here today you 15 don't remember any actual conversation?</p> <p>16 A. No.</p> <p>17 Q. During this, again we are focusing on 18 the first period of time that you worked for Fred, 19 did you ever -- did anybody at the Boarhead site ever 20 give you a piece of paper to take with you when you 21 went to make a pick-up?</p> <p>22 A. They might have. They might have. I 23 don't remember, but I think -- I think they did, to 24 give them, and I think I wrote the drum numbers on, 25 how many I picked up and I gave it to them.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. Who was that customer? 2 A. I think it was one up in Buffalo. 3 Q. All right. Tell us what you remember 4 about the Buffalo place, the Buffalo customer. 5 A. Well, it was up in Buffalo and I think 6 that was hot acid, the sulfurics and stuff. 7 Q. All right. 8 A. I went up there, picked up the load, but 9 I didn't always go back to Boarhead, sometimes I went 10 over to Wissinoming over there on Bridge Street and 11 just back up and load up and when you are loaded you 12 leave. 13 Q. Okay. Tell me about the times when you 14 went back to Boarhead with the waste from the Buffalo 15 area company. 16 A. The times? 17 Q. Yes. How did it get disposed of at the 18 site? 19 A. Same way. It was a hole dug and ran in 20 with a hose. 21 Q. And turn the valve? 22 A. Turned the valve and maybe there was 23 pumps, too. I know sometimes they used pumps I would 24 imagine, but most of the time it's gravity fed. 25 Q. Focusing just on the Buffalo company, do</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Right. 2 Q. And you know you have heard Diaz before? 3 A. Yes. 4 Q. That's fair enough. Let's leave it that 5 way. 6 On how many occasions do you think you 7 went to the Buffalo place and brought the waste back 8 to Boarhead? 9 A. Not many because it was faster to go 10 right down to Philadelphia. 11 Q. Any other customers whose waste you 12 remember bringing back to Boarhead for disposal? 13 A. National Rolling Mills I think I took 14 some back there. I'm not sure. It wasn't many. I 15 think those are the only two companies. 16 Q. Again, we don't want you to guess but 17 you have a recollection sitting here today that at 18 least one occasion you took National Rolling Mills 19 waste back to the Boarhead site -- 20 A. Yes. 21 Q. -- and disposed of it? 22 A. Yes. 23 Q. Anybody else other than those two 24 companies? 25 MR. DILLON: Objection. Asked and</p>
<p style="text-align: right;">Page 63</p> <p>1 you remember seeing that happen at Boarhead, namely 2 it being disposed of at the site? 3 A. I think I took one back there and they 4 disposed of it. 5 Q. How many total trips did you make to 6 this Buffalo company? 7 A. Quite a few. How many? I know it was 8 quite a few because Freddie and I used to run it. I 9 used to run day -- no, he used to run day, I used to 10 run night constantly. It was pretty main load. 11 Q. If I said Diaz Chemical would that ring 12 a bell? 13 A. Yes. 14 Q. That's the place we have been talking 15 about? 16 A. Yes. If that's -- if Diaz is up there 17 in Buffalo that's the company. 18 Q. Well, if that jogs your memory that's 19 fine but don't assume because I mention something 20 that it's true. 21 A. Diaz did jog my mind. Now, if 22 that's -- I don't know if that's -- I can't recollect 23 if that was the name of the company up in Buffalo. 24 Q. You know you went to the company in 25 Buffalo?</p>	<p style="text-align: right;">Page 65</p> <p>1 answered. 2 A. Yes. I think Washington, Washington, 3 New Jersey, that company over there. You know what 4 company I am talking about? 5 Q. I think I do but you go ahead and keep 6 pressing your memory. 7 A. I don't remember the name of the 8 company. I know it was over in Washington, New 9 Jersey. 10 Q. How did you get there? 11 A. Went through -- up 611 to 78, went 12 across New Jersey, down -- I guess it was Washington, 13 made a left and it's back there somewhere. It was a 14 perfume place or something. I don't know. But 15 that's what they made. I'm not positive. I forgot 16 the name of that company, too. 17 Q. Describe the building or the facility. 18 A. It was a big facility. 19 Q. Big place? More than one building? 20 A. Oh, heavens, yeah. 21 Q. Many buildings? 22 A. There was many. 23 Q. I think I lost track. 24 Are we on the New Jersey side? 25 A. Yes. Yes.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. We are on the New Jersey side. Help me 2 out. Show me on a map. That's got New Jersey and 3 Pennsylvania. Show me where we are. 4 A. Yeah. It's in this vicinity right here. 5 I think I took Route 57 from Easton, went across to 6 Phillipsburg, took Route 57 to 31, went north. I 7 can't think. It's somewhere up around Bridgeville 8 and what's that, Buttsville, somewhere in that 9 vicinity up in there. 10 Q. You think it was off Route 31? 11 A. Yes. It was off Route 31 I am pretty 12 sure. 13 Q. And by off 31 meaning it was -- you had 14 to turn off on to some other road? 15 A. Yeah. Turn off some other road and I 16 went back there and it was back in there, but it was 17 a nice-sized place. 18 Q. How many buildings were there about? I 19 don't want you guessing. 20 A. They were huge, huge buildings. I don't 21 know. I would say four or five maybe. 22 Q. All right. 23 A. I think it was even a train that came 24 through. Train tracks if I recall. 25 Q. Describe how you picked up the waste at</p>	<p style="text-align: right;">Page 68</p> <p>1 ten? 2 A. Yeah. Yeah. It could have been more, 3 too. 4 Q. How many of those loads do you remember 5 taking back to the Boarhead site and disposing of? 6 A. Maybe three or four, something like 7 that. 8 Q. And what area of Boarhead were they 9 disposed of in? 10 A. Around in here. 11 Q. The F? 12 A. Yeah. These are the only holes that I 13 seen, right there. 14 MR. HARRIS: Let the record reflect the 15 witness is pointing to the big circle that says swamp 16 and the smaller circle that says F. 17 Q. Anybody else, any other customers that 18 right now you recall bringing their waste back to 19 Boarhead for disposal? 20 A. No. 21 MR. HARRIS: Why don't we take a 22 five-minute stretch break and comfort stop, okay. 23 (Recess taken.) 24 (BY MR. HARRIS:) 25 Q. Mr. Shaak, we're back ready to go again.</p>
<p style="text-align: right;">Page 67</p> <p>1 that facility. 2 A. Well, I went in there, I went to the 3 back I believe, and they would just pump it right off 4 over the top of the tanker and put it in and I would 5 just sit there and wait until it got full and told 6 them to shut it off. 7 Q. What kind of tanker did you use for that 8 pick up? 9 A. That was a rubber liner, too. 10 Q. On how many occasions, I don't care 11 where you took it, but on how many occasions did you 12 go to that facility and pick up waste? 13 A. Eight times I would imagine. I went 14 there quite a -- not quite a bit, but... 15 Q. More than -- 16 A. I am just guessing. 17 Q. I don't want you to guess. 18 A. Yeah. But I don't know. I really don't 19 know how many times I went there. 20 Q. Fine. Best recollection, sitting here 21 today was it more than five times? 22 A. Yes. 23 Q. Was it more than ten times? 24 A. Could have been. 25 Q. You are getting fuzzy when you get to</p>	<p style="text-align: right;">Page 69</p> <p>1 Let's go back to the place off of Hatboro Road. 2 A. Okay. 3 Q. How did you get to that -- how did you 4 get into the building from the road that that was on? 5 A. With the truck? 6 Q. Yes. 7 A. I think I backed in, backed in right to 8 the docks. 9 Q. There was like a driveway leading from 10 whatever road it was on back to where the building 11 was? 12 A. If there was it was close. I mean, the 13 building was close to the road, to the road going 14 back past the other businesses. 15 Q. Was there a building next to it on 16 either side? 17 A. It was the last building, I believe. 18 There were buildings to the left of it facing it. 19 There was a couple of them as you went in, you passed 20 them. I think it was a circle and it was the last 21 building, I think. I'm not positive. 22 Q. I want your best recollection. 23 A. Right. 24 Q. Standing here looking at the building 25 you think there was nothing to the right of it?</p>

<p style="text-align: right;">Page 70</p> <p>1 A. I don't think so, no. 2 Q. If I mention the name Flexible Circuits, 3 would that mean anything to you? 4 A. That's -- I heard that. 5 Q. If I mention the name Merit Metal to 6 you, would that ring any bells? 7 A. Merit. 8 Q. Merit Metal? 9 A. No. No. 10 Q. Flexible Circuits? 11 A. Flexible Circuits sounds like it. I am 12 not sure. I can't put that name on that building, 13 but I heard that name. 14 Q. By heard that name do you think you ever 15 went to a place called Flexible Circuits to pick up 16 waste? 17 A. I can't answer that. 18 MR. HARRIS: I am going to mark this 19 with a little rubber band around it because we don't 20 have clips for it, but I am going to mark these 21 collectively as one exhibit. Let's mark those as 22 P-63. They are Ashland Chemical Company bills of 23 lading. 24 (P-63 marked for identification.) 25 Q. Mr. Shaak, I am showing you a series of</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Unreal. 30 years ago, huh? 2 Q. You will recognize your signature, won't 3 you? 4 A. Yes. I never knew we made so many trips 5 up there. There is me. 6 Q. Find one. Here is what I would like you 7 to do. If you look -- just tell me the date where it 8 says date shipped. 9 A. 10/8/76. 10 Q. That's your signature? 11 A. Right. I just put it in this pile? 12 Q. That's right. 13 MR. DOTO: Give the Bates number also. 14 MR. HARRIS: Let's try. Let me just 15 see here. 16 MS. FLAX: Get the witness to look at 17 the lower-right side of the document, there is a 18 number that starts ASH. 19 MR. HARRIS: Right. 20 Q. Right next to your signature. 21 A. 94. 22 Q. Great. Super. 23 A. That's 94. 24 Q. Okay. Let's go through and do that on 25 every one you see with your signature.</p>
<p style="text-align: right;">Page 71</p> <p>1 documents that collectively we have marked as P-63 2 that are bills of lading by Ashland Chemical Company 3 in Great Meadows, New Jersey. Take a look at these 4 and tell me whether having looked at these you 5 believe that this is the company you have been 6 telling us about on Route 29 and 202 -- I am sorry -- 7 A. 31? 8 Q. Yes. Off Route 31, that you got to off 9 of Route 31. 10 A. I don't know if these are the invoices 11 at that time, but this is the name of the company in 12 which I picked up waste. 13 Q. And it's the one we talked about a 14 little earlier this morning? 15 A. Yes. 16 Q. To make this easy for you, I would like 17 you to flip through it. If you look on the bottom of 18 the sheets, look at the very first page. 19 A. Yeah. Here. 20 Q. You see where it says driver signature 21 and that's our friend Mr. Long. If you flip through 22 them on the bottom I would like you to just tell us 23 which ones have your signatures on them. Just to 24 identify that those are your signatures and those are 25 documents you signed.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Bruce was there, too, the same date. 2 Here is one. It's October 20th, 1976, down at the 3 bottom somebody wrote 561. I can't read the top, 4 whatever that number is. 5 Q. Okay. Now the number he read so the 6 record is clear is a BF number. BF 555561. 7 A. Here is another one. BF 000549. 8 Q. Is that a 9 or a 7? I want to make sure 9 we are looking at the same one. 10 A. It's a 9. 11 Q. What's the date on it? 12 A. November 4th, '76. 13 Q. Okay. Back up a second and look at the 14 one marked 547. See if that's your signature kind of 15 in the middle of the page. 16 A. Yeah. That's me. 17 Q. So should we -- 547, BF 000547 is one 18 also? 19 A. Yes. 20 MS. QUINN: What's the date of 547? 21 MR. HARRIS: It's been pencilled over, 22 looks like October 29. 23 A. Found another one. The date is November 24 18th, '76 and the number BF 000542. 25 Q. Thanks.</p>

Page 74

1 A. It's here and another one. BF 00077, I
 2 can't find a date. It's up there but...
 3 Q. We have the number. That's good enough.
 4 A. All right. And BF 000543, dated
 5 November 24th, '76; BF 000555, December 9th, '76; BF
 6 0005340, February 2nd, '77; BF 000531, February 3rd,
 7 '77; BF 000395, February 3rd of '77; BF 000519,
 8 February 10th of '77; BF 000399, February 10th of
 9 '77; BF 000525, February 18th, '77; BF 000380,
 10 February 18th, '77; BF 000514, February 22nd, '77; BF
 11 000410, February 22nd, '77. That was a long day.
 12 There were two runs that day. ASHL 00197, March 3rd
 13 of '77; ASHL 00198, March 3rd of '77.
 14 Q. Could I interrupt you for just a second?
 15 Look at the last one you read to us, the 0198.
 16 A. Yes.
 17 Q. You see where it says time in and time
 18 out?
 19 A. Yes.
 20 Q. Is that your writing?
 21 A. No.
 22 Q. Okay. Keep going.
 23 A. ASHL 00199, March 4th of '77; ASHL
 24 00200, March 7th of '77; ASHL 00202, March 8th, '77;
 25 ASHL 00205, March 10th, '77; ASHL 00207, March 11th,

Page 75

1 '77; ASHL 00211, March 17th, '77; ASHL 00212, March
 2 18th of '77; ASHL 00217, March I guess that's 19 of
 3 '77; ASHL 00219, March 21st, '77; ASHL 00221, March
 4 22nd, '77; ASHL 00222, March 22nd, '77; ASHL 00225,
 5 March 24th, '77. This one looks like -- I could
 6 barely see. I think that says Shaak. ASHL 00227,
 7 March 25th, '77; ASHL 00227, March 25th, '77. This
 8 don't have a number, I can't see it.
 9 Q. I don't see a number on this one either.
 10 Just describe it by the date.
 11 A. Okay. 3/28/77; ASHL 00230, March 28th,
 12 '77; ASHL 00247, April 5th, '77; ASHL 00248, February
 13 5th, '77. That's it.
 14 Q. Now, for each of those you identified
 15 for us you recognize those pieces of paper to have
 16 your signature on them, right?
 17 A. Yes.
 18 Q. These documents that we have been
 19 looking at, are these the invoices that you described
 20 you would pick up at the customer?
 21 A. Yes.
 22 Q. Now, you don't have to dig it out again
 23 but let me show you one of them marked as ASHL 00247.
 24 You see the date on that one?
 25 A. 4/5/77.

Page 76

1 Q. Right. That was about a week after the
 2 incident down with the police at Wissinoming?
 3 MR. DILLON: Objection to the form.
 4 A. Yes. I remember.
 5 Q. March 29th, do you know where you took
 6 this load?
 7 A. Where did I take this load? No. No.
 8 Q. Let me ask you about a company named
 9 Ciba-Geigy. Does that name familiar to you?
 10 A. I heard the name, yes, Ciba-Geigy.
 11 Where is it at?
 12 Q. A facility that I am going to ask you
 13 about is in Rhode Island.
 14 Do you remember ever going to a
 15 location in Rhode Island to pick up waste?
 16 A. Yes.
 17 Q. Why don't you --
 18 A. That's right. Ciba-Geigy.
 19 Q. That reminds you where Ciba-Geigy went
 20 to?
 21 A. Yes. In Rhode Island.
 22 Q. Where is it that you went to in Rhode
 23 Island to pick up at Ciba-Geigy?
 24 A. Where is in Rhode Island?
 25 Q. Yeah.

Page 77

1 A. I know it was off 95.
 2 Q. Tell me how generally you got there.
 3 A. Went up 95, across the Washington Bridge
 4 in New York up to Connecticut. That's about it. I
 5 can't remember any other routes.
 6 Q. How many times do you think you went to
 7 Ciba-Geigy to pick up waste?
 8 MR. DILLON: Objection to the form.
 9 A. Four or five times maybe, maybe not even
 10 that. I would say four.
 11 Q. Okay. That's your best recollection
 12 sitting here today?
 13 A. Yes.
 14 MR. HARRIS: Let's mark this one as
 15 P-64.
 16 (P-64 marked for identification.)
 17 Q. If you have found any yet with your
 18 signature on them you can tell us which ones they are
 19 by the NOV number.
 20 A. Okay. NOV 0094, dated 11/12/76. I
 21 don't know if this is my name or not. I can't really
 22 see it. It's NOV 0096, it looks like -- I don't
 23 know.
 24 Q. Okay.
 25 A. I don't know. You want the date?

Manfred DeRewal, Jr.

May 12, 2003

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA3 BOARHEAD FARM AGREEMENT CIVIL ACTION NO.
4 GROUP, 02-CV-3830
5 Plaintiff, Judge Legrome D. Davis
6 vs. ORAL DEPOSITION OF:
7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
 UNITED STATES OF AMERICA
 DEPARTMENT OF NAVY,

ORIGINAL

17 Defendants.

18 * * * * *
19 Monday, May 12, 2003
20 * * * * *21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10:10 a.m.25 Certified Shorthand Reporting Services
 Arranged Through
 Mastroianni & Formaroli, Inc.
 709 White Horse Pike
 Audubon, New Jersey 08106
 (856) 546-1100

<p style="text-align: right;">Page 14</p> <p>1 of work that was being done on the site. 2 Q. All right. The question I want to focus on 3 here is prior to becoming a truck driver, is that when 4 you put in those ponds or did it overlap? 5 A. No, that was after, afterwards. Those ponds 6 weren't put in until late '70s, early '80s I believe. 7 Q. All right. 8 A. Now, there was logging going on also prior 9 to that. The whole property was logged in the early 10 '70s I believe. 11 Q. By "logged", you mean a real timber 12 operation? 13 A. Yes, an outside contractor came in and 14 thinned out the woods. 15 Q. Did there come a time when DeRewal Chemical 16 operated a waste hauling or, waste hauling business out 17 of the Boarhead site? 18 A. Yes. 19 Q. When was that in the time frame that we're 20 talking about, in your time frame? 21 A. I believe -- well, see, there was a lapse 22 there I guess from the Echo plant to the DeRewal 23 Chemical start up. I would say probably my time would 24 be 16, 17 years old. 25 Q. Okay. So that's --</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Who was there when you showed up as a truck 2 driver? 3 A. Who was there? I guess Karen Bean, my 4 father. I believe my brother was working there at that 5 time, Kenny Gross, Richie Minthorn. And you know, I 6 mean, there was other drivers but they weren't there, I 7 mean, until later on. 8 Q. Yeah, I really did want to focus just on the 9 very beginning. 10 A. Okay. 11 Q. Your very beginning. 12 A. Okay. 13 Q. So you think Ms. Bean and your dad and Bruce 14 and Kenny Gross and Minthorn were kind of the original 15 ones that were there at first? 16 A. Yes. 17 Q. Anyone else you can think of when you first 18 started at the beginning? 19 A. There was a fellow, Johnnie Coleman who 20 came. He was there also -- he came from the Echo plant 21 to the Boarhead. How long he was there, he wasn't 22 there that long, maybe a year, two years. 23 Q. All right. A year or two years from when? 24 A. From about '70 -- well, let's see, up until 25 about '71, '72 maybe.</p>
<p style="text-align: right;">Page 15</p> <p>1 A. What name they used prior to that, if it was 2 DeRewal Chemical, I have no idea. 3 Q. So that's '72, '73 you think? 4 A. Right. 5 Q. And let's just see, 16, so that's just about 6 the time you started to get a license? 7 A. Correct. 8 Q. You turned 16 on September of -- I'm not a 9 math whiz -- '72? 10 A. '72. 11 Q. Does that sound right? 12 A. Yes. 13 Q. And it was shortly after that or the next 14 day or something like that that you started to drive 15 for your dad's business? 16 A. I dropped out of school, and when I dropped 17 out of school -- I finished the 11th grade and I went 18 right in working with my father driving a truck 19 full-time. 20 Q. All right. The first day that you showed up 21 as a truck driver, the very first day, who was working 22 for your father right on that day? 23 A. Right on that day? 24 Q. You know what I'm asking? 25 A. You mean who was all working during that --</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. Anyone else that you can remember now 2 that we're kind of thinking about it a minute? 3 A. That would be about it. 4 Q. Okay. What were Karen Bean's, what did she 5 do? 6 A. She was a secretary. I guess she followed 7 the path of my father's from Echo over to the Boarhead 8 Farms. I guess that was in '69. 9 Q. Okay. 10 A. And whatever they were doing at that time 11 from the Echo plant over to the Boarhead Farms -- I 12 don't believe it was actually that much those first one 13 or two years. 14 I mean, I really, I'm still young at that 15 time. And she also had horses there, boarded horses. 16 And she was, I guess she answered the telephone and 17 took care of, you know, whatever horses. 18 Q. Did she have a place she worked? 19 A. They worked right out of the, we called it 20 the chicken coop, which was a living quarters at that 21 time. 22 Q. It's the office that's next to the farm 23 house, it says "office" on this thing? 24 A. Yes. 25 Q. "This thing" meaning P-8. It's a term of</p>

Page 22

1 A. Tanker is regular line tankers, 4,000
 2 stainless steel tankers, tankers that you pull down a
 3 tractor.

4 Q. Okay, great. And were these tankers just
 5 parked on the property or were they being used as
 6 storage or both?

7 A. There was several there that were just
 8 parked on the property that came from the Echo plant.
 9 Just -- some of them, later days we might have pulled
 10 it out, tried to fix it up for use.

11 Q. Okay. Were there any that were used for
 12 storage?

13 A. No.

14 Q. So the only tanks that were used for storage
 15 of materials at least in the early time period are the
 16 ones you've drawn on P-8?

17 A. Correct.

18 Q. Tell us what a JD-450 is?

19 A. John Deere 450? It's a front-end loader on
 20 tracks. It's a bulldozer.

21 Q. For us lawyer type, it's a bulldozer?

22 A. It's a bulldozer.

23 Q. And what's the CAT?

24 A. It's also a bulldozer, front loader bucket,
 25 two and a half yard bucket.

Page 24

1 Q. Well, I will, we'll ask him. All right.
 2 Tell us -- let me come back with Bruce. Did there come
 3 a time when he stopped working for, at the Boarhead
 4 site?

5 A. He did, and I also did. There was a little
 6 lapse time there, maybe six months, eight months we
 7 both had stopped working there.

8 Q. Was it the same time?

9 A. Yes, uh-huh.

10 Q. Let's focus on you, because you know more
 11 about you.

12 A. Well, I couldn't tell you what time factor
 13 that could have been. It was probably, could have been
 14 '73, '74, little bit in the beginning.

15 Q. We don't want you to guess today, but if you
 16 can give us an approximation, that's okay, but tell us
 17 you're approximating.

18 A. I would say between '73 and 74.

19 Q. You went --

20 A. Maybe up to '75. There was a lapse in there
 21 maybe for six months that we went to work for somebody
 22 else.

23 Q. Did you both go to work for somebody else?

24 A. Yes, the same person.

25 Q. Tell us who that is?

Page 23

1 Q. By that you mean two and a half cubit yards
 2 it will hold?

3 A. Yes.

4 Q. What were Ken Gross's job activities, again,
 5 focusing early on?

6 A. He was, he did a lot of maintenance there at
 7 the Boarhead Farms, whatever had to be done. He was a
 8 good handyman, maintenance all around. I don't believe
 9 he ever drove trucks.

10 He had worked previously at the Echo plant
 11 for my father. I guess he was one of the foremans at
 12 the Echo plant. And he also did land clearing, you
 13 know, and whatever had to be work done at that time. I
 14 guess my dad just kept him on, you know, him and
 15 Johnnie Coleman that I remember at that time.

16 Q. Okay. Could both of those folks operate the
 17 earth-moving equipment?

18 A. Yes.

19 Q. Could Bruce operate the equipment?

20 A. Yes, uh-huh. Could he or did he?

21 Q. Well, so far it was "could he".

22 A. Yes.

23 Q. I was going to get back to the "did he".

24 A. Well, I don't know, you might have to ask
 25 him that.

Page 25

1 A. It's a steel company up in Easton, Ramos,
 2 Ramos Steel. It was a scrap yard more or less at that
 3 time, but it was called Ramos.

4 Q. So you went to work there for about six
 5 months?

6 A. Correct.

7 Q. Then you came back to work for your dad
 8 again?

9 A. That's correct.

10 Q. And then did Bruce come back at the same
 11 time?

12 A. Yes, he did.

13 Q. Did Bruce continue to work for your dad
 14 until the operation shut down?

15 A. Yes, he did.

16 Q. And by "operation shut down", I mean the
 17 waste business closing.

18 A. Yes, he did.

19 Q. Let's go back to Ken Gross. Now, did he
 20 continue to work at the site until the waste business
 21 had shut down?

22 A. No, he had left maybe two years. He was
 23 working two jobs and in the very beginning there wasn't
 24 actually that much work. Prior to my brother and I
 25 coming on board, I guess Kenny did a lot of the land

<p style="text-align: right;">Page 62</p> <p>1 filled out or have your handwriting on them. 2 A. Okay. 3 Q. Just start at the front and work to the 4 back. 5 A. M-5, M-512, I believe there's another M-512. 6 Q. You know, maybe we can go by the dates 7 because a lot of numbers got cut off. You see where 8 there's a date up here? 9 A. Right. 10 Q. Why don't you just tell us the dates. 11 A. Do you want me to start at the beginning? 12 Q. No, you can just pick up at the first M-550. 13 A. 7-11-75, 8-4-75, 7-5-75, 7-14-75, 7-14-75, 14 8-18-75. I don't know what that's -- that would be 15 M-550. 5-20-75, 8-21-75, August 28, '75. The date I 16 can't read on this one, but it's M-5502. That's it. 17 Q. Okay. All right, let me ask you next 18 whether you ever picked up waste from a company called 19 Ashland? 20 A. Yes. 21 Q. Where was the Ashland facility that you went 22 to? 23 A. Grape Meadows, New Jersey. 24 Q. How did you get there? 25 A. Well, we went up Route 67 through Easton</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. All right. Did you have to check in with 2 somebody when you got there? 3 A. I think it was a guardhouse, I think we had 4 to check in if I'm not mistaken. 5 Q. You just don't remember if you had to sign 6 anything? 7 A. Yeah, I don't remember. 8 Q. Where did you take the -- we're talking 9 about bulk? 10 A. Yeah. 11 Q. Where did you take the tanker truck once you 12 said hello to whoever you said hello to? 13 A. Whoever we had to. I think that also used 14 to go around the back of the building and there used to 15 be an arm that used to come out. We had sometimes two 16 different methods of loading, one was a type of air 17 type load into the tanker or pumped, they handled all 18 that. 19 I believe they didn't want us out of our 20 truck that much because it was fairly strong chemical, 21 they did all actually the loading. We closed our lid, 22 we bolted it down, but they actually did all the 23 loading. 24 Q. Was there more than one location that you 25 went to to fill up?</p>
<p style="text-align: right;">Page 63</p> <p>1 across the bridge over, I believe that's 78 to the, 2 there's a -- Grape Meadow is, I think it's right there 3 by Ingersoll Rahn. We bear left, go down some farm 4 roads. I forget the name of the road it was on, might 5 have been Grape Meadows Road. 6 You would pull up their driveway, it was a 7 long drive. They used to have vegetables sometimes 8 growing in the front, sometimes they were dead. 9 Q. Okay. And describe generally, what did the 10 facility look like as you're driving up to it? 11 A. I believe the -- from what I remember it was 12 a good-sized facility. We used to pull in, I don't 13 know if there was a guardhouse or not that we had to 14 sign in or sign out. 15 I remember going into certain parts of the 16 plant where they used to run certain tests on machines, 17 atomic absorptions or whatever, they just showed me 18 around. And that's actually, you know, what I can 19 remember. I mean, it was a good-sized plant. 20 Q. Was there a gate you had to go through? 21 A. I know it was a long driveway. 22 Q. Big, high fence around the place or no? 23 A. I don't believe so. Not going in, maybe 24 around the facility. I mean, it sat off the road 25 pretty good.</p>	<p style="text-align: right;">Page 65</p> <p>1 A. No, we went to the same location. 2 Q. What was the other method of filling the 3 truck other than -- 4 A. One was an air type, it was a sealed type 5 load, hose to their hose. And we used to have a pipe 6 that used to run over the tank truck inside. And when 7 we emptied it, we would use the air from the tractor to 8 blow it off through that same loading tube. 9 Q. Okay. 10 A. And the other way was direct into the top of 11 the center of the manhole on the tank truck. 12 Q. Gravity? 13 A. I don't know how they did it. 14 Q. It just came out of the arm? 15 A. Right. 16 Q. And just went right down into -- 17 A. Right. 18 Q. What kind of waste did you pick up at 19 Ashland? 20 A. That was a sulfuric nitric mix, I was told. 21 Q. That was going to be my next question. 22 A. Organics. 23 Q. How do you know what it was? 24 A. Well, I believe it was typed on the Bill of 25 Lading, sulphuric nitric. Never know organics or</p>

<p style="text-align: right;">Page 66</p> <p>1 anything, I'm no chemist, so. 2 Q. We only want to know what you know and how 3 you know it. Did anybody at the facility ever tell you 4 what it was you were picking up? 5 A. Not that I can remember. 6 Q. Did the people who loaded the truck for you, 7 did they wear any special protective clothing? 8 A. I would imagine they had goggles, gloves. 9 It was very hot, dangerous acid. 10 Q. When did you first go to the Ashland 11 facility in Grape Meadows to pick up waste? 12 A. In either late '75 or early '76, mid '75. 13 Q. On how many occasions total do you think you 14 went to pick up waste at Ashland? 15 A. 25, 30. 16 Q. When you first went, the first time you went 17 to Ashland to pick up waste, was the Wissinoming 18 facility open yet? 19 A. Yes, it was. 20 Q. Where did you take these 25 to 30 loads of 21 Ashland waste for disposal? 22 A. From what I could remember, on the first 23 tank truckload that we pulled out of Ashland went to 24 Wissinoming. There was a representative from Ashland 25 that came down to the Wissinoming part where they</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. Where did you personally -- other 2 than Wissinoming, where did you personally take Ashland 3 waste? 4 A. Boarhead Farms. 5 Q. How many loads of Ashland waste did you take 6 to Boarhead Farms for disposal, you personally? 7 A. Eight to 15. 8 Q. And of those loads that you personally took 9 to Boarhead, where were they disposed of? 10 A. They were disposed in front of the office at 11 that time, right in front of the small pond. 12 Q. Okay. 13 A. Right in this section here (indicating). 14 Q. Let the record reflect that the witness is 15 pointing to an area on P-8 in between the word "office" 16 and the edge of the pond. Is that correct? 17 A. Yes. 18 Q. Did I do that right? 19 A. Yes. 20 Q. And how did that disposal take place? 21 A. Well, then also we would either drop that 22 tanker -- because that was a slow process, you had a 23 lot of fumes, a lot of nitric fumes coming off. And 24 that was a slow process leech into this hole that was 25 dug, covered over.</p>
<p style="text-align: right;">Page 67</p> <p>1 wanted to see how the acid was going to be treated. 2 Q. All right. You were the driver for that 3 load or you just happened to be there? 4 A. I happened to be there. Whether I was the 5 driver or not, I don't -- I might have been the driver, 6 I don't know. 7 Q. You remember -- 8 A. I know I was there the day that -- 9 Q. That this happened, that there was this 10 meeting? 11 A. Correct. 12 Q. Okay. Did that entire load of waste that 13 came from Ashland get treated that day at Wissinoming? 14 A. Well, that was a slow process there at 15 Wissinoming, it was a lime slurry. But no, while the 16 representative was there, no, we pumped it out of one 17 tank into a holding tank and there was certain pipes 18 going from one tank into the lime slurry with a big 19 mix around the top. 20 And he just wanted to see how that was going 21 to work, then that was discharged down the sewer. I 22 believe that was more of a front in order to get the 23 contract. 24 Q. Okay. 25 A. From my knowledge.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Okay. Is there any -- 2 A. I mean, that might have taken a couple 3 hours. 4 Q. I see. For the tanker to drain out? 5 A. Right. 6 MR. HARRIS: Let's mark that. 7 (EXHIBIT P-51, BILL OF LADING, ASHLAND 8 CHEMICAL COMPANY, IS MARKED FOR 9 IDENTIFICATION) 10 BY MR. HARRIS: 11 Q. Mr. DeRewal, you've been shown a document 12 that's been marked Exhibit P-51. Do you recognize the 13 signature on that one? 14 A. Yes. 15 Q. Is that you? 16 A. Yes. 17 Q. Do you know how this Bill of Lading was 18 generated, that is, where it came from, who made it 19 out? 20 A. No, I do not. 21 MR. HARRIS: I'd like to take a break, a 22 stretch break. 23 (BRIEF RECESS) 24 BY MR. HARRIS: 25 Q. Mr. DeRewal, did you ever pick up waste from</p>

May 13, 2003

Page 153

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA3 BOARHEAD FARM AGREEMENT
4 GROUP,

CIVIL ACTION NO.

02-CV-3830

Judge Legrome D. Davis

5 Plaintiff,

ORAL DEPOSITION OF:

6 vs.

MANFRED DeREWAL, JR.
(VOLUME II)7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
 UNITED STATES OF AMERICA
 DEPARTMENT OF NAVY,

ORIGINAL

18 Defendants.

19 * * * * *

20 Tuesday, May 13, 2003

21 * * * * *

22 Transcript in the above matter taken at
23 the offices of Ballard, Spahr, Andrews & Ingersoll,
24 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
25 Pennsylvania, commencing at 10:00 a.m.Certified Shorthand Reporting Services
Arranged Through

Mastroianni & Formaroli, Inc.

709 White Horse Pike

Audubon, New Jersey 08106

(856) 546-1100

<p style="text-align: right;">Page 386</p> <p>1 A. I can't recall the time when it was shut 2 down. 3 Q. In your deposition before the EPA you said 4 that -- and I'll show you the page if you like -- you 5 said that you stopped working for DeRewal for about six 6 months, and that you started back with your father's 7 company the day or the day after your brother was hurt. 8 Is that correct? 9 A. It could have been roughly in that time 10 period. I don't know if it was six months, I don't 11 think it was that long. 12 Q. Something less than six months? 13 A. I would say yes. 14 Q. But your brother returned to work before 15 you? 16 A. Yes, I believe. 17 Q. And he was then working obviously at the 18 time of that spill? 19 A. Correct. 20 Q. But you hadn't returned to work at that 21 time? 22 A. I can't recall if I did or not -- no, I 23 believe I did because I was there the night of the 24 spill. 25 Q. So it was just about the time you started</p>	<p style="text-align: right;">Page 388</p> <p>1 Q. Only three or four months instead of six? 2 A. Yes, I don't think it was that long of a 3 period that I worked up there. 4 Q. It was then in calendar year '76, sometime 5 in the summer of '76 that you were gone? 6 MR. HARRIS: Objection. 7 THE WITNESS: I don't recall. 8 BY MR. FACKENTHAL: 9 Q. Did you take anything from National to 10 Boarhead after Wissinoming closed, or was that the end 11 of the operation? 12 A. There might have been one or two loads. 13 Q. Might have been. Do you remember 14 distinctly? 15 A. I remember one. 16 Q. After? 17 A. After the closing. 18 Q. Give me an example of what would happen. 19 You start your work day, you said at almost any time, 20 could be the middle of the night, could be early in the 21 morning could be any time; is that right? 22 A. Right. Depending on what company you went 23 to. National Rolling Mills, that was 24-7. 24 Q. So you could have gone there any time? 25 A. Any time.</p>
<p style="text-align: right;">Page 387</p> <p>1 back to work? 2 A. Or before that time, yes. 3 Q. So if it were six months, that would have 4 made it, what, March of 1976, thereabouts that you went 5 to work for the scrap yard? 6 MR. HARRIS: Objection. 7 THE WITNESS: No, I think it was before 8 that. 9 BY MR. FACKENTHAL: 10 Q. Before March? 11 A. Well, before '76 I believe. 12 Q. So then you worked more than six months for 13 the scrap yard? 14 MR. HARRIS: Objection. 15 THE WITNESS: No, I was only there for 16 six months. I believe it was before. 17 BY MR. FACKENTHAL: 18 Q. Oh, you returned to work before that? 19 A. Before the spill, yes. 20 Q. How much before the spill? 21 A. I don't recall. 22 Q. So it was sometime earlier than March that 23 you left? If the spill was in September -- 24 A. I think it was only like three months or 25 four months that we had left.</p>	<p style="text-align: right;">Page 389</p> <p>1 Q. Did you have a dispatcher that sent you 2 there? 3 MR. HARRIS: Objection. 4 THE WITNESS: No, the people there at 5 National Rolling Mills would have told the drivers that 6 they needed X amount of loads out. 7 BY MR. FACKENTHAL: 8 Q. Did you speak with the people in National 9 Rolling Mills? 10 A. The people that were in charge of the acids 11 area, yes. The people that was loading us, they would 12 ask you: Hey, you coming back, we need one or two or 13 three more loads pulled out. 14 Q. Again, I'm trying to get the routine of what 15 happened. Say you just delivered a load to Ontario 16 Street and then the next time that National needed 17 service, needed its tanks emptied, what would happen? 18 A. Well, at that point we already knew whether 19 they needed a pick-up. That was a big contract there. 20 Sometimes it was three, four, five loads a day pulled 21 out of there. 22 Q. Okay. So when you left with a load, you 23 knew when you were coming back; is that right? 24 A. That's correct. 25 Q. You didn't have to depend on telephone calls</p>

May 13, 2003

<p style="text-align: right;">Page 402</p> <p>1 A. No, I don't. 2 Q. Does 1977 sound correct? 3 A. That's correct. 4 Q. Approximately how long after the Wissinoming 5 facility was shut down was it before DeRewal actually 6 stopped hauling waste altogether for anyone? 7 A. Shortly after that. 8 Q. When you say "shortly," do you mean within 9 several months? 10 A. Yeah, couple months, two or three months. 11 Q. Do you recall if you made any chemical hauls 12 for Ashland after the Wissinoming facility was shut 13 down but before the DeRewal property was closed down? 14 A. No, we did not. 15 Q. During the time period that the Wissinoming 16 facility was in operation, was it in operation 17 continuously? 18 A. Was it in operation? 19 Q. Yes. 20 A. Yeah, it was in. 21 Q. But based on your recollection do you 22 remember how often you would go to Ashland, you know, 23 with what frequency? 24 A. I would estimate two, maybe three times a 25 week. Two to three a week.</p>	<p style="text-align: right;">Page 404</p> <p>1 Q. Can you tell me what percentage of the 2 sulphuric nitric mix that you hauled for Ashland was 3 disposed of at the Wissinoming facility? 4 A. Myself, maybe four to five loads. 5 Q. And where was the rest disposed of? 6 A. Boarhead Farms. 7 Q. How far was it from the Ashland facility to 8 Boarhead Farms? 9 A. It was about an hour drive. 10 Q. And how far was it from the Ashland facility 11 to the DeRewal Wissinoming facility? 12 A. Probably about an hour and a half. 13 Q. What route would you take to go between 14 Ashland and Boarhead Farms? 15 A. There again, we would cross -- I guess 16 that's 78 that turns into, 78, we would bear off there 17 at Ingersoll-Rand, whatever route that is, and go down 18 the back roads. But we would come down the Peaburg 19 Bridge down across 611. 20 Q. And what route would you take between the 21 Wissinoming facility and Ashland? 22 A. Which way would we go? 23 Q. If you recall. I know it's been a lot of 24 years. 25 A. We might have went coming across the</p>
<p style="text-align: right;">Page 403</p> <p>1 Q. Did that remain consistent throughout the 2 time that you hauled waste for Ashland? 3 A. Was it consistent of me going there two or 4 three times a week? 5 Q. Yes. 6 A. No, because we had several drivers, it could 7 have varied back and forth. 8 Q. So when you say "two or three times a week", 9 are you talking total two to three times a week? 10 A. What, myself? 11 Q. Let me try to clarify, let me back up. When 12 I'm asking you about the frequency that chemicals were 13 picked up from Ashland, I mean, do you know how 14 frequently they were picked up in total, not just what 15 you picked up? 16 A. I believe anywhere from one to about six 17 loads, seven loads a week. 18 Q. Okay. And again, my next question is: Did 19 that remain consistent throughout the time that DeRewal 20 hauled Ashland's waste to your knowledge? 21 A. To my knowledge, yes. 22 Q. You testified a few minutes ago that 23 Ashland's sulphuric nitric mix was at times taken to 24 the Wissinoming facility and flushed down the sewer? 25 A. That's correct.</p>	<p style="text-align: right;">Page 405</p> <p>1 Scutter's Falls, Scutter's Falls south of, whatever 2 that New Jersey is across from New Hope, what bridge 3 that is. I think that's Scutter's Falls bridge. 4 Q. Okay. Mr. DeRewal, do you recall testifying 5 yesterday that as a general matter your knowledge as to 6 what type of chemical you were hauling was based on 7 what the Bill of Lading said? 8 A. That's correct. 9 Q. And specifically as to the Ashland waste 10 products that you hauled, is it also accurate to say 11 that your knowledge of that type of chemical was based 12 solely on what the Bill of Lading said? 13 A. That's correct. 14 Q. Did you ever test chemicals yourself to see 15 what they were? 16 A. No, I did not. 17 Q. Do you have any recollection at all of ever 18 seeing the products that you hauled for Ashland being 19 loaded into your truck? 20 A. No, I did not. 21 Q. Do you have any recollection of actually 22 seeing what you've identified as Ashland's sulphuric 23 nitric mix being disposed of at Boarhead Farms? 24 A. Have I actually seen it? 25 Q. Yes.</p>

Page 406

1 A. Besides myself actually putting a hose on
 2 the tanker or seen the chemicals coming out?
 3 Q. Seen the chemicals that are coming out.
 4 A. No.
 5 Q. Are you aware of any documents, Mr. DeRewal,
 6 that would show that any of the waste that was hauled
 7 from the Ashland facility was disposed of at Boarhead
 8 Farms?
 9 A. Could there be any documents?
 10 Q. Are you aware of any?
 11 A. No.
 12 Q. When you hauled waste for Ashland, did you
 13 use a DeRewal truck and a DeRewal tanker?
 14 A. Yes.
 15 Q. What type of tanker did you use to haul
 16 Ashland waste?
 17 A. They were iron tankers, 2,700,
 18 3,000 gallons. They were used Chemical Leelan tanks.
 19 Q. And you might have said this earlier, I
 20 really honestly don't recall. Do you know who
 21 manufactures the tankers that you used for Ashland's
 22 waste?
 23 A. No, I don't.
 24 Q. Do you recall using placards or labels on
 25 the tanker or truck when you hauled waste for Ashland?

Page 408

1 Q. Now, Mr. DeRewal, I think you testified both
 2 yesterday and today, and correct me if I'm wrong, it
 3 was your business practice to sign a Bill of Lading
 4 when you hauled waste for a customer?
 5 A. That's correct.
 6 Q. And when you talked about a Bill of Lading,
 7 that was basically the document that you signed when
 8 you picked up the load; is that right?
 9 A. That's correct.
 10 Q. And did you comply with that practice when
 11 you hauled waste for Ashland?
 12 A. That's correct.
 13 Q. Do you ever recall hauling any waste
 14 products for Ashland where you didn't have to sign a
 15 Bill of Lading?
 16 A. Not that I can recall.
 17 Q. Do you know where Marvin Jonas was
 18 headquartered in the time frame been 1972 to 1978?
 19 MR. HARRIS: Objection.
 20 THE WITNESS: To my knowledge it would
 21 have been Sewell, New Jersey.
 22 BY MR. DOTO:
 23 Q. Do you know if he had any acid
 24 neutralization facility at that site?
 25 A. I couldn't tell you.

Page 407

1 MR. HARRIS: Objection.
 2 THE WITNESS: No, we do not.
 3 BY MR. DOTO:
 4 Q. When you say "no, we do not", do you mean
 5 no, you don't recall or no, you definitely did not use
 6 any placards or labels?
 7 A. I'm almost positive we didn't use any
 8 placards or labels.
 9 Q. Do you know what I'm talking about when I
 10 say placards and labels?
 11 A. Yes.
 12 Q. Can you just tell me?
 13 A. Corrosive, flammable.
 14 Q. Yes.
 15 A. Those type of placards.
 16 Q. And to your recollection you did not use
 17 them?
 18 A. No.
 19 Q. Was it your understanding that you were
 20 supposed to use them when you hauled that waste?
 21 A. Probably were, probably were.
 22 Q. Did you identify anywhere on the truck or on
 23 the tanker that you were hauling Ashland's waste under
 24 contract with AETC?
 25 A. Not that I know of.

Page 409

1 Q. But you don't recall taking any Ashland
 2 acids yourself there for any acid neutralization?
 3 A. No.
 4 Q. Mr. DeRewal, are you aware or do you recall
 5 which of the DeRewal's drivers actually hauled Ashland
 6 waste other than yourself?
 7 A. I would say just about every driver probably
 8 pulled out of Ashland. It might have been one or two
 9 maybe that didn't. The majority did it.
 10 (EXHIBIT D-17, BILLS OF LADING, ASHLAND
 11 CHEMICAL, IS MARKED FOR IDENTIFICATION)
 12 BY MR. DOTO:
 13 Q. Mr. DeRewal, I've given you what's been
 14 marked D-17, and we're going to go through them, but
 15 I'll represent to you that I used my best efforts to
 16 pull all of the Bills of Lading for bulk transport that
 17 I thought your name was possibly on.
 18 There may be some that your name is possibly
 19 not, and that's what we're going to talk about. So if
 20 you would, take a few minutes and glance through them
 21 and I'll take you through them. But I want you to be a
 22 little bit familiar before I start asking you
 23 questions.
 24 Mr. DeRewal, you had an opportunity to look
 25 through them?

<p style="text-align: right;">Page 410</p> <p>1 A. Yes. 2 Q. I'm going to try to do this in an 3 abbreviated fashion, particularly in light of the hour 4 today. The first thing I'm going to ask you is: Can 5 you in fact confirm that these are the Bills of Lading 6 that we've been speaking about? 7 MR. HARRIS: Objection. What do you mean 8 the Bills of Lading we've been speaking about? 9 BY MR. DOTO: 10 Q. Are these in fact Bills of Lading? 11 A. Yes. 12 Q. Looking at the first one in the package with 13 Bates Number ASHL00060. The Bates number is in the 14 lower right-hand corner, you see that? 15 A. Yes. 16 Q. Is that your signature appearing on this 17 document? 18 A. Yes. 19 Q. Do you have any idea who typed the 20 information into this particular Bill of Lading? 21 A. No, I do not. 22 Q. Who was working in the office at DeRewal 23 Chemical Company during this period of time? 24 A. That would have been Linda Cochran. 25 Q. Do you see on the, towards the top of the</p>	<p style="text-align: right;">Page 412</p> <p>1 If all you're going to ask him is if he's read them and 2 if he sees anywhere on it where it says anything, it's 3 a big waste of time, isn't it? 4 THE WITNESS: No, I do not. I have a 5 question though on these Bill of Ladings. 6 BY MR. DOTO: 7 Q. I'll give you the opportunity, believe me. 8 A. Oh, okay. 9 Q. As you sit here today, Mr. DeRewal, is it 10 fair to say that you don't have a specific recollection 11 as to where any of these individual loads were 12 disposed -- 13 A. Looking at this Bill of Lading? 14 Q. As we sit here today. 15 A. No, not looking at this Bill of Lading. 16 Depending if you look at where it says "route, Advanced 17 Environmental". 18 Q. I'm sorry, I didn't hear that. 19 A. Unless you look up here in the upper left 20 where it says "route, Advanced Environmental". 21 Q. Yes. What does that mean to you? 22 A. I don't know, "shipped by Ashland Chemical 23 Company". Were you the shippers? 24 MR. SABINO: I'm going to object, it 25 doesn't say that.</p>
<p style="text-align: right;">Page 411</p> <p>1 Bill of Lading there's a block that says "date 2 shipped"? Do you see that? 3 A. Right. 4 Q. And it appears to say 9-13-76; is that 5 correct? 6 A. That's correct. 7 Q. The date shipped, does that mean that's the 8 date you picked up this particular load of waste? 9 A. That's correct. 10 Q. And would that be correct for all of these 11 Bills of Lading in this packet? 12 A. That's correct. 13 Q. Looking at this first invoice, is there any 14 way to tell by looking at the Bill of Lading where the 15 load of waste was to be disposed? 16 A. No, it does not. 17 Q. Are you aware of any of these Bills of 18 Lading having an ultimate disposal destination on them? 19 MR. HARRIS: You're not asking him to 20 read through all these so he can actually say whether 21 he's read them all and answer that question, are you? 22 MR. DOTO: Well, if he can't do it that 23 way then I'm going to go through each one. 24 MR. HARRIS: Well, if it's just a reading 25 exercise, why are we doing that? We can all read it.</p>	<p style="text-align: right;">Page 413</p> <p>1 THE WITNESS: No? 2 MR. HARRIS: It doesn't say "shipped by 3 Ashland Chemical". 4 THE WITNESS: It says "shipped by Ashland 5 Chemical, route, Environmental". 6 MR. SABINO: Environmental? 7 MR. HARRIS: Envirotech. 8 THE WITNESS: Oh, Envirotech. I'm sorry, 9 my eyes. 10 BY MR. DOTO: 11 Q. Mr. DeRewal, what is confusing you about 12 that? 13 A. Well, just "shipped by Ashland Chemical 14 Company". 15 Q. Do you have any reason to believe that 16 Ashland Chemical Company shipped that as opposed to 17 DeRewal? 18 A. No, but to me, if I looked at this, that's 19 what it looked like. 20 Q. Does it refresh your recollection if I were 21 to tell you that all of the waste that was disposed of 22 by DeRewal Chemical were brokered through Advanced 23 Envirotech Company? 24 A. That's correct. 25 Q. Does that make sense why that Bill of Lading</p>

<p style="text-align: right;">Page 414</p> <p>1 would read that way?</p> <p>2 A. That's correct.</p> <p>3 Q. Looking at that first Bill of Lading, Bates</p> <p>4 Number 60 on it, if you look to the description, it</p> <p>5 says, "One tank truck containing spent mixed acid."</p> <p>6 Did I read that correctly?</p> <p>7 A. That's correct.</p> <p>8 Q. Looking at that description, how is it that</p> <p>9 you know that spent mixed acid is a sulphuric nitric</p> <p>10 mixed?</p> <p>11 A. You wouldn't know.</p> <p>12 Q. So is it fair to say that you just assumed</p> <p>13 when you saw "spent mixed acid" that that was a</p> <p>14 sulphuric nitric mix?</p> <p>15 A. Yes. And depending on what type of a tank</p> <p>16 truck you would be using.</p> <p>17 Q. And does that assumption hold true for each</p> <p>18 of the Bills of Lading?</p> <p>19 A. Yes.</p> <p>20 Q. If you look down towards the bottom of that</p> <p>21 particular Bill of Lading, it says "corrosive labels</p> <p>22 required", you see that?</p> <p>23 A. Yes.</p> <p>24 Q. What did that signify to you?</p> <p>25 A. That there should have been placards on the</p>	<p style="text-align: right;">Page 416</p> <p>1 A. 000553, 00147, 000532, 00101, 000534,</p> <p>2 00192, 00226, 00227, 00251.</p> <p>3 Q. Thank you Mr. DeRewal.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Are you living on the Boarhead Farms</p> <p>6 property now?</p> <p>7 A. Yes, I am.</p> <p>8 Q. Have you had any involvement at all with the</p> <p>9 drum excavation that's ongoing?</p> <p>10 A. No, I have not.</p> <p>11 Q. Has any representative from the contractors</p> <p>12 that are working there asked you any questions about</p> <p>13 where drums possibly were buried in the past?</p> <p>14 A. No, they have not.</p> <p>15 Q. Have you pointed out to anyone where,</p> <p>16 various locations where drums could possibly have been</p> <p>17 buried in the past?</p> <p>18 A. No, I have not.</p> <p>19 Q. Mr. DeRewal, you testified a few minutes ago</p> <p>20 that you just got out of prison in 2001; is that</p> <p>21 correct?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. Are you still on parole?</p> <p>24 A. Probation.</p> <p>25 Q. Probation, I'm sorry. How long does</p>
<p style="text-align: right;">Page 415</p> <p>1 tankers or truck.</p> <p>2 Q. Okay. And based on your experience, when</p> <p>3 was it that corrosive labels would be required to be</p> <p>4 put on the trucks?</p> <p>5 A. I have -- oh, when should they be?</p> <p>6 Q. Yes.</p> <p>7 A. I believe when we pick up the material.</p> <p>8 Q. Do corrosive labels, are they ordinarily</p> <p>9 used for acid-type materials?</p> <p>10 A. I couldn't answer that.</p> <p>11 Q. You don't know?</p> <p>12 A. I don't know.</p> <p>13 Q. All right, Mr. DeRewal, we're almost done.</p> <p>14 I want to ask you to go through the invoices one more</p> <p>15 time so we don't have to go through them one at a time,</p> <p>16 and just tell me if there's any in here that are not</p> <p>17 signed by you, so you can identify them for the record.</p> <p>18 A. All right, I thought there were maybe about</p> <p>19 ten of them.</p> <p>20 Q. Let's go through them slowly, and when you</p> <p>21 find one of them, look at the bottom right-hand Bates</p> <p>22 number and note that for the record please.</p> <p>23 A. 00093, 00127, 00553.</p> <p>24 Q. I'm sorry, Mr. DeRewal, what was the last</p> <p>25 one?</p>	<p style="text-align: right;">Page 417</p> <p>1 probation last?</p> <p>2 A. Five years.</p> <p>3 Q. When does that end?</p> <p>4 A. I've got three years left.</p> <p>5 Q. Are you aware of any type of agreement</p> <p>6 between plaintiffs in the case and Boarhead</p> <p>7 Corporation?</p> <p>8 A. No, I do not.</p> <p>9 Q. Did you receive any payment for your</p> <p>10 testimony today other than the fee that accompanied</p> <p>11 your subpoena?</p> <p>12 A. That's it.</p> <p>13 Q. Are you expecting to receive any additional</p> <p>14 payment for your testimony today?</p> <p>15 A. Yes, I do.</p> <p>16 Q. And what do you expect to be paid for your</p> <p>17 testimony?</p> <p>18 A. \$250 a day.</p> <p>19 MR. HARRIS: He's not being paid for his</p> <p>20 testimony, he's being compensated for the time he's</p> <p>21 lost at his job, which to my understanding is required</p> <p>22 by the rules.</p> <p>23 MR. DOTO: Thanks for the testimony.</p> <p>24 MR. HARRIS: Well, I just wanted to clear</p> <p>25 it up.</p>

June A. Stephens

July 28, 2003

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BOARHEAD FARM AGREEMENT GROUP
Plaintiff

ORAL DEPOSITION OF:

JUNE A STEPHENS

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION

Defendants

ORIGINAL

Monday, July 28, 2003

Transcript in the above matter
taken at the law offices of Ballard, Spahr,
Andrews & Ingersoll, Esquires, 1735 Market Street,
51st Floor, Philadelphia, PA commencing at 10:00
a.m.

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Page 22

Page 24

1 have no idea.

2 Q. Okay. So, the truck that you
3 drove, was that the truck that you backed out of
4 Bedminster?

5 A. Yes.

6 Q. He just said, "Okay, fine, you are
7 doing so well just keep driving" basically?

8 A. Well, I think he needed a load
9 picked up and I just happened to show up at the
10 right time.

11 Q. I guess so.

12 Did anybody go with you on that first trip?

13 A. No.

14 Q. So Fred gave you directions to get
15 there?

16 A. Yes.

17 MR. DILLON: Objection, leading
18 belated.

19 Q. After that first trip we have been
20 talking about, did you work every day for a period
21 of time or give us a sense of how often you worked
22 for Fred.

23 A. I think for a period of time it was
24 fairly steady.

25 When you are a driver, there really is no

1 Q. You mentioned a minute or two ago
2 Philadelphia was later on or words like that.

3 What location in Philadelphia do you
4 remember having to do with Fred's business at some
5 point in time, the later on that you are talking
6 about?

7 A. Okay. I remember the two places in
8 Philadelphia. I could be remembering three. Two
9 physical places and I don't remember the address,
10 but I can give you a vague description.

11 One of them was -- what's the road that
12 runs down by the river? Not 95.

13 Q. Delaware Avenue? It depends on
14 where along the river.

15 A. Is that Delaware Avenue?

16 MR. HARRIS: You guys are local
17 Philly guys. I know you are not here to testify,
18 but we can spend a lot of time showing her maps or
19 I can make it easy.

20 A. That's okay. I can look at a map.
21 I'm pretty good with a map.

22 Q. Let's look at a map.

23 A. That's a good idea.

24 Q. Truck drivers have to look at maps,
25 right?

Page 23

Page 25

1 such thing as an everyday situation in that you
2 are always subject to logbook hours, so whether
3 you have hours to run or not to run is basically
4 what your schedule is depended on. Some of it
5 depended on who's in town, where the runs are,
6 what trucks are available, but as far as that type
7 of job goes, I would say I was working
8 consistently.

9 Q. For what period of time did this
10 work continue before you went off and did
11 something else?

12 A. I don't remember. I do not
13 remember.

14 Q. More than one year?

15 A. I don't know.

16 Q. More than two years?

17 I don't want you to guess. I'm just trying
18 to trigger memories.

19 A. The only way that I could really
20 figure it out is incidents, places, et cetera.

21 Q. All right. We'll try it that way,
22 too.

23 A. And maybe we'll get somewhere
24 because I know that the first run I made was in
25 the summertime and after that I don't remember.

1 A. Oh, that might be too big for me.

2 Q. Okay, here's the Visitor Guide to
3 Philadelphia. Try that one. If that's doesn't
4 work I've got more to choose from.

5 A. Okay, before 95 was done --
6 Christopher Columbus? Never heard of that one --
7 before 95 was done, all of the truck traffic --
8 let's go over here. See, that's the problem, your
9 maps aren't old enough.

10 Q. Right.

11 A. But if they were coming from the --
12 where all the vegetables and produce and all that
13 happens, that was Oregon Avenue, I think, and then
14 you came across there and you went up -- was that
15 Delaware Avenue that ran along there? Yeah, had
16 to be, yep. That's what it was, Delaware Avenue.
17 Then eventually you hit the end of 95, so one
18 place was off of Delaware Avenue. I believe it
19 was in between Delaware Avenue and the river, and
20 you made a left turn into it.

21 There was -- I think I was only there at
22 nighttime. I don't remember being there ever in
23 the daytime, so it was just this big dark spooky
24 looking yard and the only thing that I ever did
25 was drop a loaded trailer, pick up an empty

Page 26

Page 28

1 trailer and leave.

2 There was also a building there, kind of a
 3 big warehouse type of thing. I have no idea
 4 whether that was -- I don't know whose it was. I
 5 don't know if it was part of a parking lot
 6 facility that I was dropping and hooking in, but
 7 it was sort of like being in a big pit.

8 Q. Was the parking lot area you are
 9 describing a big parking lot area?

10 A. Yeah, yes, it was, big enough to
 11 take a semi in and not have to fight to turn the
 12 darn thing around.

13 The old song, Give Me 40 Acres And I'll
 14 Turn This Thing Around, that was the way it
 15 worked. It was great.

16 Q. How did you get to the parking
 17 area, the lot area from the main street?

18 A. From Delaware --

19 Q. Either way, either way.

20 A. I'm 99 percent certain it was
 21 Delaware. I'd be coming south, and I would make a
 22 left, and I don't know whether that was actually
 23 an alley or a street, and I don't know whether I
 24 crossed other streets or not. That's -- and,
 25 poof, you were in the lot.

Page 27

Page 29

1 Q. To get to the lot, did you have to
 2 drive like up between a couple of the buildings to
 3 go behind the buildings?

4 A. Oh, if you were going down the
 5 alley or the street or whatever it was where the
 6 buildings on either side, yeah, yes.

7 Q. Let's set that place aside for a
 8 moment.

9 A. Okay.

10 Q. What other Philadelphia --

11 A. Next place.

12 Q. Next place, yes.

13 A. I remember a reference to Ontario
 14 Street. I also know that I went somewhere else in
 15 Philadelphia. I don't remember whether the place
 16 I went was Ontario Street or whether I went
 17 somewhere else.

18 In other words, what I'm saying is, I only
 19 went two places in Philadelphia. One was the one
 20 I just described with the big parking lot. The
 21 other one I haven't described yet. I don't know
 22 whether it was Ontario Street or not, so I don't
 23 know -- anyway, I suppose I could try and find it.

24 Q. Let's stick with it for a second
 25 Were you at the second place at least once?

1 A. At least once.

2 Q. Was it near one of the bridges to
 3 go over to New Jersey? By the way, don't suggest
 4 because I'm asking the questions that that means
 5 it's right.

6 A. I don't remember.

7 Q. How about --

8 A. It was so horrible to get in and
 9 out of that I don't remember much instead of
 10 getting in and out of there.

11 Q. The second place we're talking
 12 about?

13 A. Yes.

14 Q. How many times did you go to the
 15 second place?

16 A. Maybe two or three. I think that's
 17 all.

18 Q. Back to the other one.

19 How many times did you go to the first
 20 place you were telling us about?

21 A. Oh, that, I don't remember.

22 Actually, not very often. I don't think I was
 23 down there at that place more than two or three
 24 times.

25 A lot of times, depending on where we were

1 Q. To get to the lot, did you have to
 2 drive like up between a couple of the buildings to
 3 go behind the buildings?

4 A. Oh, if you were going down the
 5 alley or the street or whatever it was where the
 6 buildings on either side, yeah, yes.

7 Q. Let's set that place aside for a
 8 moment.

9 A. Okay.

10 Q. What other Philadelphia --

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 14 Street. I also know that I went somewhere else in
 15 Philadelphia. I don't remember whether the place
 16 I went was Ontario Street or whether I went
 17 somewhere else.

18 In other words, what I'm saying is, I only
 19 went two places in Philadelphia. One was the one
 20 I just described with the big parking lot. The
 21 other one I haven't described yet. I don't know
 22 whether it was Ontario Street or not, so I don't
 23 know -- anyway, I suppose I could try and find it.

24 Q. Let's stick with it for a second
 25 Were you at the second place at least once?

1 coming from, what time it was, et cetera, I would
 2 just swap with someone else up in Bucks County and
 3 somebody else would bring the truck into
 4 Philadelphia and bring it back out again and then
 5 I would go wherever I was going.

6 Q. If I mentioned the name Wissahickon Industrial Park, does that make any sense to you?

7 A. It sounds familiar, but in all

8 honesty when you are in this area there's
 9 Wissahickons, Wissahickons, Wassahooches, so I --

10 Q. How about Comly Street, does that
 11 ring any bells?

12 A. Oh, yes, it does, and I don't know
 13 why. I have no idea why.

14 Q. Okay. Let's do --

15 A. That would be interesting to look
 16 up on a map.

17 Q. Let's do the timeline thing for a
 18 second.

19 A. Okay.

20 Q. There was some period of time while
 21 you were working for Fred before you first heard
 22 or went to either of these locations?

23 MR. DILLON: Objection to the form.
 24 THE WITNESS: Yes.

Page 86

Page 88

1 A. Gees, I was there for quite awhile
 2 I think.

3 Q. Well, that was going to be my
 4 question.

5 Do you think it was for more than three
 6 years that you worked for Fred whether or not
 7 there was a gap in between?

8 A. Are you asking me specifically
 9 about gap time or total time --

10 Q. Total time.

11 A. -- that I would have been in and
 12 out of there?

13 Q. Right.

14 A. Let's see, if this is '77 --

15 Q. Right.

16 A. I wonder how old I was. That's
 17 what I have to figure out.

18 Q. I can help you out with that one.
 19 49 from 77, you were just about to turn 28, right?

20 A. I either started working for
 21 DeRewal when I was 21 or 22. I think it might
 22 when I was 21. I'm not 100 percent sure, but --
 23 oh, I know how to do this. Actually, I would have
 24 been 27.

25 Q. Right, just about to turn 28 on

1 Q. Well, I need to explore the
 2 off-and-on thing. The on, not off and on, or do
 3 you think there really was a gap somewhere where
 4 you didn't work for him?

5 A. Oh, boy. I honestly couldn't tell
 6 you.

7 Q. Okay.

8 A. I would have been kind of in and
 9 out and in and out and no idea.

10 Q. All right, fair enough.

11 I'm going to show you a page from another
 12 exhibit marked Exhibit 63. This one has a Bates
 13 number on it of ASHL-00223. I want to ask you if
 14 you recognize the signature on that page?

15 A. That's definitely mine. Oh, there
 16 we -- oh my goodness.

17 Q. Do you recall making a pick up of
 18 material at Ashland Chemical Company in New
 19 Jersey?

20 A. Yeah, the name is very familiar.
 21 Obviously I did it.

22 Q. Do you have any recollection of
 23 anywhere that place was?

24 A. No.

25 Q. Ever heard of someplace called

Page 87

Page 89

1 your next birthday.

2 A. Right. So, if I went -- I think I
 3 went to work for him in '71, but I think I started
 4 with him when I was -- oh, no, no, no, no, '70 or
 5 '71.

6 Q. We're pretty close --

7 A. I was 21 or 22.

8 Q. We're pretty close on '70 or '71,
 9 right?

10 A. Yes, because I would have turned 21
 11 the summer of 1970 and 22 the summer of '71. The
 12 good ol' days -- yeah, they were the good ol'
 13 days.

14 And I don't remember whether -- something
 15 is telling me that I started when I was 21, but
 16 that might not be true. I'm pretty sure that I
 17 had my interstate stuff all done by the time I was
 18 21.

19 Q. All right. Let's just say for now
 20 for the purposes of this next question, anyway,
 21 that you were 21. We've figured out that you made
 22 that run just before you turned 28.

23 Do you think there were six straight years
 24 that you worked for Fred?

25 A. Off and on?

1 Great Meadows?

2 A. Yes, I've heard of it.

3 Q. Sitting here today, do you have any
 4 recollection of what the Ashland facility looked
 5 like?

6 A. No, not at all. In all honesty,
 7 after awhile all these chemical companies and
 8 cinder block buildings get to look the same.

9 Q. Did you ever pick up any material
 10 from a DeRewal customer in Rhode Island?

11 A. Rhode Island? I can't answer that
 12 yes or no.

13 Q. Did you ever pick up any material
 14 from a DeRewal customer called Ciba-Geigy?

15 A. Yes, Ciba -- hold on here.

16 Ciba-Geigy, okay. I've been to Ciba-Geigy. I
 17 don't know whether it was with DeRewal or another
 18 company I worked for because Ciba-Geigy is a big
 19 drug company, right? They do lots of things, but
 20 I know for sure that I have delivered laboratory
 21 animals to Ciba-Geigy, so the question is did I
 22 also pick up chemicals from Ciba-Geigy? I don't
 23 know.

24 Q. Did you ever --

25 A. What a crossover that is.

Page 90

Page 92

1 Q. Did you ever pick up any materials
 2 from a company called National Rolling Mills?

3 A. I believe so. That's familiar.

4 Q. What do you recall about National
 5 Rolling Mills?

6 A. They're a steel company. Do they
 7 make coils? And where are they? Aren't they --
 8 National Rolling Mills. No idea where they are.

9 Q. On how many occasions do you think
 10 you went to National Rolling Mills while working
 11 for DeRewal?

12 A. Don't know, but the name is fairly
 13 familiar.

14 Q. Did you go there more than five
 15 times?

16 A. I don't know. What sort of -- they
 17 do steel, correct?

18 Q. I can't answer that.

19 A. Here's my problem with this.

20 Q. Tell me your problem.

21 A. You people are going to love this
 22 one. I eventually had my own truck, which I did
 23 48 states, and I ran a flatbed and/or a step deck
 24 and pulled a lot of over-dimension, over-height,
 25 over-width, over-everything including some really

1 chemicals involved.

2 I picked -- I loaded corrosives. It was
 3 all corrosive. As far as the chemical
 4 composition, I would look to see what I was
 5 dealing with, but that's about as far as that
 6 would go, so if you are asking me for chemical
 7 specifications, that I can't give you. Broad
 8 blanket, corrosive, almost always.

9 In fact, if I ever hauled anything that
 10 wasn't corrosive I don't remember except for
 11 water. And it was generally or most of the time
 12 waste material.

13 Q. Okay. On the one or more occasions
 14 when you went to National Rolling Mills with a
 15 tank, where did you take the stuff?

16 A. I don't know. National Rolling
 17 Mills. The best I can answer that is most of the
 18 time I went to Boarhead Farm. There were only a
 19 few times that I actually went to Philadelphia,
 20 and if there's any place else I went I don't
 21 remember.

22 Q. All right.

23 A. No, there wasn't. Boarhead and two
 24 places in Philly.

25 Q. That's it? Never went anywhere

Page 91

Page 93

1 weird pieces of steel, and -- as well as normal
 2 stuff, so National Rolling Mills, depending on
 3 what their product is or was at the time, that
 4 could be another one of these outfits that I have
 5 been into and out of on two sides of the street,
 6 one with the tanker, although it's registering
 7 with me with the tanker, but I also could have
 8 been in there when I was with T.I.M.E. DC Special
 9 Commodities Division, so that's a real difficult
 10 one to answer. Probably if I knew what their
 11 product was, I could sort it out maybe.

12 Q. Let's focus for a second or two on
 13 your recollection of being there with a tanker,
 14 okay?

15 Do you have any recollection or
 16 understanding of what kind of material you were
 17 picking up there?

18 A. In particular, no.

19 Q. Do you have a recollection of what
 20 kind of tank wagon you were using?

21 A. I would have had a corrosive
 22 tanker. I don't think I ever pulled any other
 23 type of tanker other than a corrosives tanker.

24 And when I say that I'm not sure what I was
 25 picking up, what I'm actually saying is the actual

1 else to drop stuff off?

2 A. Except for that down south deal
 3 where they were making sandbags or whatever they
 4 were doing.

5 Q. Okay. All right. Did you ever
 6 pick up any material from a company in Malvern,
 7 Pennsylvania?

8 A. Okay, Malvern. Where is Malvern?
 9 Northeast Philadelphia?

10 Q. I'll show you on the map.

11 A. Good idea.

12 Q. Do you see it?

13 A. Oh, am I supposed to be looking at
 14 this?

15 Q. Not really. You can if you want.

16 A. Who's looking at it, you or me?

17 Q. I am.

18 A. Oh, you're finding Malvern. I was
 19 going to say it should be west and northwest,
 20 right? Oh, okay, there we go. That's big buck
 21 county or it's close to the big buck country.

22 MR. DILLON: I would like the
 23 record to reflect that what everyone around this
 24 table is looking for is the witness' testimony and
 25 only the witness' testimony, so I just think that

June A. Stephens

July 28, 2003

Page 98

Page 100

1 something completely different, but once you have
 2 been to, say, the Reading pick up, you will know
 3 who the company is the first time you go because
 4 you have to find them, but after that, frankly, to
 5 me, I don't really care who they are, just get the
 6 thing loaded and get me out of here as long as my
 7 paperwork is in order.

8 As long as the bill of lading says what
 9 it's supposed to and as long as I have any
 10 emergency information that I'm supposed to have
 11 and that that thing is sealed the way it's
 12 supposed to be for a hazardous load, of course, at
 13 that time the hazardous restrictions aren't near
 14 what they are today.

15 Q. Sitting here today, do you have a
 16 recollection of where you took the one or more
 17 loads of material you picked up in Reading?

18 A. Boarhead. I don't know if I ever
 19 took any of those to Philadelphia.

20 As I say, most of the time I went to
 21 Boarhead. There were only a very few times that I
 22 was in Philadelphia.

23 And that Comly, can we go back a little
 24 bit?

25 Q. Sure.

1 where it is. I could be totally wrong, but it
 2 might have been down in that Warminster/Hatboro/
 3 Horsham area. I'm not sure.

4 Q. All right. Without --

5 A. That might be one of them.

6 Q. With the name Merit, do you
 7 remember how many times you went there?

8 A. Specifically no. But Merit --
 9 Merit was one of the regulars.

10 Q. You know that why?

11 A. Why? I guess it's just one of

12 those things that certain names are going to hit
 13 you as a once and done or I hardly ever went
 14 there, and there's other names that even if you
 15 didn't go there that often or -- but they were
 16 mentioned often.

17 I seem to recall that, oh, somebody's going
 18 to Merit, somebody's going here, there. Merit was
 19 a regular run. The Techalloy was a regular run.

20 Q. Okay. Do you ever recall going to
 21 a DeRewal customer where there was a tanker parked
 22 there that got pumped out?

23 A. Okay, now wait a minute. A DeRewal
 24 truck was there?

25 Q. I didn't say it was. I was asking

Page 99

Page 101

1 A. I think Comly Street is where -- if
 2 I was coming south I made a left and I think Comly
 3 Street is the one that went back to that big
 4 parking lot.

5 Q. Okay.

6 A. The Ontario Street --

7 Q. That's still fuzzy?

8 A. If it's the one I'm thinking of it
 9 will never be fuzzy. Believe me, that one was
 10 crystal clear.

11 Q. Okay.

12 A. But most of the time, especially in
 13 the very beginning, because the Philly thing
 14 didn't happen until I had been there for a while,
 15 so originally I would have taken everything back
 16 to Boarhead.

17 Q. Okay. Do you ever recall going to
 18 a company called Merit Metals?

19 A. Yes. That one rings a bell, Merit
 20 Metals. I know that would have nothing to do with
 21 anything else I've done. It's a familiar name.

22 Q. What do you remember about it other
 23 than the name?

24 A. Just -- where was that? I don't
 25 remember. I remember the name. I don't remember

1 if you remember --

2 A. But that's what would have
 3 happened, that that's a DeRewal truck? No, I
 4 don't remember that.

5 Q. Okay. Now, I understand what you
 6 have told us about where you generally took stuff.
 7 Do you have any specific recollection,
 8 sitting here today, of where material that you
 9 picked up from Merit Metals went other than the
 10 general practices that you have talked about?

11 MR. DILLON: Objection to the form.

12 Q. Go ahead.

13 A. Okay, all right. Where I took it
 14 consistently?

15 Q. Yeah.

16 Let me rephrase the question.

17 A. Okay.

18 Q. Sitting here today, do you have any
 19 recollection of actually going to a Merit Metals
 20 and taking it somewhere specifically?

21 A. Yes. I know I was at Merit Metals
 22 unless I'm totally losing my marbles.

23 Q. Okay. Do you have a recollection
 24 of where you took that waste?

25 A. No. I would -- as I say, I was

Page 102

Page 104

1 only in the Philly operation a couple of times.
 2 I'd say the big Philly thing, which I think is the
 3 one on Comly Street. I think I was only there two
 4 or three times. The other one on -- and I think
 5 it was Ontario Street. I think was only there
 6 twice, if I'm not mistaken, so that means that --
 7 I don't know. The big one I might have been in
 8 and out of a few more times, but the rest of the
 9 time, everything else, I took to Boarhead.

10 Q. Okay. Let's flip it around. Let's
 11 talk about Comly Street, the big parking lot.

12 A. Okay.

13 Q. Whose waste do you remember taking
 14 there? Do you remember any particular companies'
 15 waste that you took there?

16 A. Not in particular. I believe
 17 that -- I think I took one load of the Buffalo
 18 stuff, Diaz. That's Diaz. I think I took one of
 19 those loads down there, and I don't remember who
 20 else. I'm not even a hundred percent on the Diaz,
 21 but I'm fairly certain that I took one of those.

22 Q. How about Ontario Street? You say
 23 you have been there a couple of times.

24 Do you have a recollection of whose waste
 25 you took there on those couple of times?

1 A. Probably. I would say -- here
 2 again, I can't say a hundred percent, but I do
 3 know that it would have been one of those things
 4 where, "You're doing flexible," and I would have
 5 known right away what it is and where it is, which
 6 pretty much tells me that since I'm associating it
 7 that way -- I'm not going to associate it that way
 8 if I had only been in there once or twice.

9 I'm associating it, "As you are doing Flex"
 10 or "Flexible." That means I know who they are. I
 11 know where it is. I know the whole drill. That
 12 means I'm in and out of there on a fairly regular
 13 basis.

14 Q. Do you recall ever going to a
 15 company called Plymouth Tube?

16 A. No, I don't. That one does not
 17 ring.

18 Q. Does it ring a bell of going to a
 19 company called Elwood Ivan's Tube Company?

20 A. Elwood Ivan's Tube Company?
 21 Doesn't ring a bell.

22 Q. Did you ever go to any Navy
 23 facility or Navy air facility to pick up waste?

24 A. I don't believe so.

25 Q. Did you ever go to a company called

Page 103

Page 105

1 A. No, because I was so amazed with
 2 that whole deal that -- unfortunately, that made a
 3 big impression that I don't remember whose stuff I
 4 took in there.

5 Q. Did you ever go to a company called
 6 Flexible Circuits?

7 A. That sounds familiar, Flexible,
 8 but -- sounds familiar, but I couldn't say a
 9 hundred percent.

10 Q. By "sounds familiar," does that
 11 mean --

12 A. It sounds familiar, yes. That's
 13 another one that if it sounds familiar to me there
 14 is -- I would never have been in there in any of
 15 my other jobs, T.I.M.E. DC or the lab animals.

16 Q. So, just so I understand you,
 17 sitting here today --

18 A. That rings a bell associated with
 19 DeRewal.

20 Q. Thank you.

21 A. It's -- that's one of those set run
 22 deals.

23 Q. All right. So, you think sitting
 24 here today your best recollection do you think you
 25 were flexible more than one time to pick stuff up?

1 Betz, B-E-T-Z, Labs to pick up waste?

2 A. The name is familiar. I can't say
 3 yes or no. In that once we get into the ones that
 4 are called labs, because I dealt with another
 5 company that I was in and out of every laboratory
 6 facility on the East Coast, I -- without knowing
 7 what they do, I'd have a hard time with that.
 8 It's a very familiar name, but I'm not sure if I'm
 9 associating that with DeRewal or Buckshire, which
 10 is another company, so I'll have to let that one
 11 go.

12 Q. Do you remember ever going to a
 13 company called Arthur Ansley, A-N-S-L-E-Y?

14 A. No, I don't remember.

15 Q. Do you recall going to a company,
 16 Knoll, K-N-O-L-L?

17 A. That one rings a bell big time. I
 18 don't know why. I don't know where they are. I
 19 don't know what they do, but K-N-O-L-L, Knoll,
 20 yeah, that was -- I remember that one.

21 Q. Give us your best recollection of
 22 what you remember about Knoll.

23 A. It's going to be one of two things.
 24 Either it was a regular or it was so horrible that
 25 it's really stuck in my brain. I would suspect

Page 166

Page 168

1 of questions.

2 BY MS. FRIANT:

3 Q. Good afternoon, Ms. Stephens. My
 4 name is Nicole Friant, and I have just a few
 5 questions for you that are not related to any
 6 defendant specifically.

7 You testified earlier today that you had
 8 taken a trip or had gone down to a place down
 9 south and it was a place that had sandbags?

10 A. Yes.

11 Q. Do you recall that?

12 A. Yes.

13 Q. You testified that the place either
 14 used copper or that you took a copper solution to
 15 that place?

16 A. Correct.

17 Q. Does the name Downing Bag ring a
 18 bell?

19 A. Not particularly. It would make
 20 sense. That's why I'm going to say it doesn't
 21 ring a bell.

22 Q. That's okay.

23 A. It makes sense, but I'm not going
 24 to say yes because I have not a clue.

25 Q. Do you recall how many times you

1 A. It would have had a lot of copper
 2 in it. I don't remember if it was corrosive or
 3 not.

4 Q. Do you recall if any other drivers
 5 went to the sandbag place?

6 A. No, I don't remember. I can't
 7 imagine I was the only one.

8 Q. Do you recall going to a place
 9 called Plymouth Fertilizer?

10 A. No.

11 Q. Do you recall going to any place in
 12 the south that was a fertilizer business?

13 A. No, not specifically, but what I do
 14 know for a fact was the sandbag place is not the
 15 only place that I went down south to. There was
 16 someplace else.

17 As a matter of fact, when I came from
 18 Newell -- I don't think the stuff from Newell went
 19 to the sandbag place. It might have, but I went
 20 somewhere else. I have no recollection as to
 21 where or what it was.

22 MS. FRIANT: I have no further
 23 questions, thank you.

24 MR. FACKENTHAL: I have some.
 25 BY MR. FACKENTHAL:

Page 167

Page 169

1 went to this place that made sandbags?

2 A. No. I would say at least three. I
 3 don't know if I went any more, and I'm not -- here
 4 again, the whole thing gets a little confusing
 5 because it was a long time ago. I seem to recall
 6 going to the -- I will call it the sandbag place
 7 because I don't know what their name is. I seem
 8 to recall going there once when I had loaded in
 9 either the bottom of Bucks County or Montgomery
 10 County, actually just north of here, and I headed
 11 straight south. The only reason I remember that
 12 is because I was over-weight.

13 Q. Do you recall the type of truck or
 14 trailer that you took?

15 A. That was definitely a corrosives
 16 tanker. Whether it was corrosives in it, that I
 17 don't remember specifically.

18 Some of what we pulled was not actually
 19 corrosive. It had a lot of metals and that sort
 20 of thing in it, but most of it, I would say, was
 21 probably corrosive, but some of it was not, just
 22 yucky stuff.

23 Q. Specifically talking about the
 24 sandbag place, what type of material would you
 25 have taken to that place?

1 Q. My name is Edward Fackenthal. I
 2 represent a company by the name of the NRM
 3 Investment Company. It was referred to as
 4 National Rolling Mills earlier.

5 A. Oh, my gosh, you're kidding.

6 Q. No, I'm not kidding.

7 A. National Rolling Mills is now NRM
 8 Investment Company?

9 Q. That's exactly right.

10 A. How clever.

11 MR. FACKENTHAL: I have no more
 12 questions.

13 BY MR. FACKENTHAL:

14 Q. You testified to Mr. Harris that
 15 there was some interval between the time that you
 16 started working for Mr. DeRewal or his company and
 17 the time you first went to Philadelphia whether it
 18 was Ontario Street or Comly Street.

19 Can you remember how long that interval
 20 was?

21 A. Specifically, no, I cannot.

22 Q. Was it a matter of a month or was
 23 it a matter of years? Can you pin it down that
 24 way?

25 A. I would say years.

June A. Stephens

July 28, 2003

Page 170

Page 172

1 Q. Okay. I think you testified to Mr.
 2 Harris that you began either in 1970 or 1971 when
 3 you were 21 or 22?

4 A. Yes.

5 Q. It might have been 1975 or '76 that
 6 you first went to Philadelphia?

7 A. That is possible.

8 MR. HARRIS: Objection.

9 MR. FACKENTHAL: What is the
 10 objection to that?

11 MR. HARRIS: Calls for speculation.

12 Q. Can you estimate when it was?

13 MR. HARRIS: Objection, asked and
 14 answered.

15 Q. You can answer again.

16 A. I couldn't say for sure. I seem to
 17 recall that when I first started, and I would
 18 think this would be two, three years -- if
 19 anything was happening in Philadelphia, I didn't
 20 know about it because I only returned to Boarhead
 21 Farm, so if I started in '71 or thereabouts,
 22 anywhere from -- heck, '73, '74 on up to then -- I
 23 don't know when the first time I was in
 24 Philadelphia, but I know that the first couple of
 25 years at least or a few years I strictly returned

1 cannot remember any others.

2 Q. Okay. Do you remember how you
 3 would make up your mind for these three or four or
 4 whatever it was other than Diaz? Do you remember
 5 what criteria you took into account in deciding to
 6 go to Philadelphia with those as opposed to back
 7 to Boarhead?

8 MR. HARRIS: Objection.

9 A. That was not my decision at all. I
 10 called in to find out where that load was supposed
 11 to go, whether it was back to Boarhead or to
 12 Philadelphia.

13 Q. The person didn't give you any
 14 indication as to why it was going to go to
 15 Philadelphia as opposed to Boarhead?

16 A. No indication whatsoever. That was
 17 not my business and I didn't ask.

18 Q. Again, you testified to Mr. Harris
 19 that you went to National Rolling Mills on at
 20 least one occasion and possibly more; is that
 21 correct?

22 A. Yes.

23 Q. Could it have been as few --

24 A. Are they in Reading? See, I'm
 25 going to look up all these -- no, I'm not. I

Page 171

Page 173

1 to Boarhead Farms, period. That was the only
 2 place I went with a tanker.

3 Q. And then after that at least, what,
 4 five or six times, you went to Philadelphia?

5 MR. HARRIS: Objection.

6 Q. Is that correct?

7 A. I would say total -- I 100 percent
 8 remember would be four times.

9 Q. Okay.

10 A. Those are four that I could
 11 actually say I went to Philadelphia.

12 Q. And what waste did you haul to
 13 Philadelphia? From what customer did you haul to
 14 Philadelphia?

15 MR. HARRIS: Objection.

16 A. I don't remember.

17 Q. It could have been any one of the
 18 ones that we have been talking about today?

19 MR. HARRIS: Objection.

20 A. Could have been. One in particular
 21 I know is a Diaz load went down there.

22 Q. That's one of them?

23 A. That's one.

24 Q. How about the others?

25 A. That's one I can remember. I

1 could care less where they are. I'm just sorry
 2 I'm going to miss the tour.

3 Q. Could it have been as few as one
 4 time?

5 MR. HARRIS: Objection.

6 A. It could have been as few as one
 7 time.

8 Q. Do you remember the year that you
 9 went?

10 A. No, I wouldn't even hazard a guess
 11 on that.

12 Q. You couldn't say it was before
 13 Philadelphia, the first time you went to
 14 Philadelphia or after Philadelphia?

15 A. Absolutely correct. I couldn't say
 16 one way or the other.

17 Q. It could have been 1971 or 1972 or
 18 1973 for all you know?

19 MR. HARRIS: Objection.

20 A. This is true.

21 Q. Do you remember going down the
 22 Schuylkill Expressway hauling any waste for
 23 anybody down the Schuylkill Expressway from
 24 Malvern?

25 Let me ask the question this way.

Bruce DeRewal

June 16, 2003

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA3 BOARHEAD FARM AGREEMENT
4 GROUP,CIVIL ACTION NO.
02-CV-3830
Judge Legrome D. Davis

5 Plaintiff,

6 vs.

ORAL DEPOSITION OF:

6 BRUCE DeREWAL

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHEDE CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
 UNITED STATES OF AMERICA
 DEPARTMENT OF NAVY,

ORIGINAL

18 Defendants.

19 * * * * *

20 Monday, June 16, 2003

21 * * * * *

22 Transcript in the above matter taken at
23 the offices of Ballard, Spahr, Andrews & Ingersoll,
24 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
25 Pennsylvania, commencing at 10:10 a.m.22 Certified Shorthand Reporting Services
23 Arranged Through24 Mastroianni & Formaroli, Inc.
25 709 White Horse Pike
 Audubon, New Jersey 08106
 (856) 546-1100

WITNESS INDEX

Page 6

Page 8

Examination of Mr. DeRewal

By Mr. Harris: Pages 7, 188
 By Ms. Quinn: Page 101
 By Mr. Lipman: Page 102
 By Mr. Lemon: Page 106
 By Ms. Flax: Pages 118, 187
 By Mr. Sabino: Page 154
 By Mr. Dillon: Page 154

EXHIBITS

(EXHIBITS RETAINED BY COUNSEL - NOT ATTACHED)

Exhibit P-65: Site Map

Page 36

Exhibit P-66: Subpoena

Page 84

Exhibit D-24: Order, City of Philadelphia v.
Wissinoming

Page 153

Exhibit D-25: Packing Lists, Ciba-Geigy

Page 174

Exhibit D-26: Purchase Order

Page 175

1 have asked that the witness be given a copy of the
 2 transcript to read and sign if he'd like. I think
 3 that's it. Okay, sorry for the interruption.

4 BY MR. HARRIS:

5 Q. Did you ever do any work for your father
 6 prior to graduating high school?

7 A. Yes, I did.

8 Q. And by "work for your father", I don't care
 9 whether it's Echo or DeRewal Chemical or some other
 10 company.

11 A. Yes.

12 Q. I mean any company he's involved in.

13 A. Yes.

14 Q. What kinds of work was there before you
 15 graduated from high school?16 A. For a while I was down in North Carolina, he
 17 had an operation down there that I went down there to
 18 clean up because it was closed down.

19 Q. Anything else?

20 A. I used to drive truck for him. That's about
 21 it.22 Q. Okay. And I'm focusing now on before you
 23 graduated high school.

24 A. Yes, uh-huh.

25 Q. You were talking about the Reedsdale

Page 7

Page 9

1 (BRUCE DeREWAL, having been duly sworn, was
 2 examined and testified as follows:)

3 (EXAMINATION OF MR. DeREWAL BY MR. HARRIS:

4 Q. Good morning, Mr. DeRewal.

5 A. Good morning.

6 Q. My name is Glenn Harris, I represent some
 7 companies that collectively are called Boarhead Farms
 8 Agreement Group. They're currently remediating the
 9 Boarhead Farms property. Boarhead Farms property or
 10 the Boarhead Farms, will you understand when we say
 11 that that means Lonely Cottage Road?

12 A. Uh-huh.

13 Q. Give us your current address.

14 A. 2430 Willow Stream Drive, Quakertown,
 Pennsylvania.

15 Q. Your date of birth, please?

16 A. 5-13-55.

17 Q. Give us a brief rundown of your education.
 18 A. 12th grade, Penn Ridge High School graduate,
 19 and that's it.

1 A. facility?

2 A. Yes.

3 Q. What kind of clean-up activities did you do
 4 down there?5 A. It was a chemical operation that was shut
 6 down, and I just went down there to sell the tanks and
 7 clean up the property.8 Q. How old were you then? Well, I'm keying
 9 into high school graduation to help you.

10 A. I have no idea, 18.

11 Q. Was it the year before you graduated high
 12 school?

13 A. Probably a year maybe.

14 Q. During the summer?

15 A. Summer, 17, 18, uh-huh.

16 Q. All right. Tell us about truck driving
 17 activities before you graduated from high school. What
 18 did they consist of?19 A. Just picking up once in a while, drive a
 20 truck, pick up loads of acid, tanker.21 Q. Did you ever work for Echo while Echo was
 22 open?

23 A. No.

24 Q. Did you ever visit the Echo facility?

25 A. Yes, uh-huh.

Page 10

Page 12

1 Q. How many times?
 2 A. Oh, he used to take us there all the time.
 3 Q. Were you able to observe whether there
 4 was -- were you around when Echo shut down?
 5 A. Yes.
 6 Q. And by "Echo" I mean Echo in New Jersey, not
 7 Reedsdale.
 8 MR. DILLON: Objection to form. Echo in
 9 New Jersey?
 10 MR. HARRIS: Pennsylvania, sorry.
 11 THE WITNESS: Revere.
 12 BY MR. HARRIS:
 13 Q. Revere, exactly. Were you around when
 14 Revere shut down?
 15 A. Yeah, a little bit, not much.
 16 Q. Were you able to observe how the shutdown
 17 went?
 18 A. No.
 19 Q. Okay. Were you involved in taking any
 20 equipment or --
 21 A. No.
 22 Q. -- office stuff?
 23 A. None of that. Sorry.
 24 Q. That's okay. Just real quick, she's taking
 25 down every word we say. You and I are talking like we

Page 11

Page 13

1 always talk.
 2 A. Yes.
 3 Q. We talk over each other and we got to be
 4 really careful to do that. If you'll let me try to
 5 finish my question --
 6 A. Okay.
 7 Q. -- even though correctly you know what I'm
 8 going to say and you answer and I'll start to do the
 9 same thing. Also, she can't understand shrugs of the
 10 shoulder and shakes of the head, other non-verbal
 11 communication, so we have to try to be verbal.
 12 So let me try that one again. You didn't
 13 have anything to do with moving anything from Echo to
 14 Boarhead?
 15 A. No.
 16 Q. Do you know whether there was, between the
 17 time Echo shut down in Revere and when you started
 18 driving a truck picking up loads of acid, whether there
 19 was a space of time between those two events?
 20 MR. DILLON: Objection to form, lack of
 21 foundation.
 22 BY MR. HARRIS:
 23 Q. You can go ahead and answer.
 24 A. Answer? Yeah, there was a big time in
 25 between there that I wasn't around.

1 Q. Okay. Could you estimate for us what that
 2 period of time was?
 3 A. Soon after I got out of high school 'till
 4 maybe '76, '78, 1978.
 5 Q. All right. The high school to '78 is the
 6 period of time you worked?
 7 A. I wasn't around.
 8 Q. Let's back up, I didn't ask a very good
 9 question. How long before you graduated from high
 10 school were you driving a truck for your father?
 11 A. It was a short period of time. Him and my
 12 mother were separated. I might have been back there
 13 like I said, 17, 18, right when I came up from North
 14 Carolina after I cleaned that site up for him.
 15 Q. When did you get your driver's license?
 16 A. When I was 16.
 17 Q. So there was a period of time before or
 18 between getting your driver's license and when you
 19 started to drive truck for your dad?
 20 A. Before I got my license, no. After I got my
 21 license.
 22 Q. Let me ask you the question again, I didn't
 23 do a good job. After you got your license you didn't
 24 start driving a truck the next day?
 25 A. No.

1 Q. Was there some period of time before you
 2 started driving a truck for your dad?
 3 A. For my dad, was like 17, 18, right before I
 4 graduated.
 5 Q. Six months before you graduated?
 6 A. Maybe, yeah, I don't remember.
 7 Q. I understand it's been a long time and we
 8 don't want you to make stuff up, we want your best
 9 recollection. So you can approximate, if you can say
 10 "Well, I know it was in that time frame roughly",
 11 that's okay as long as you think you have a
 12 recollection that that was the right time frame.
 13 A. Yeah, it was between 17 and 18 before I
 14 graduated.
 15 Q. Okay. Who was the first customer where you
 16 picked up loads of acid for your dad?
 17 MR. DILLON: Objection to the form. Are
 18 you talking about the period of time while he's still
 19 in high school?
 20 MR. HARRIS: First, whenever it was.
 21 THE WITNESS: Probably Techalloy in
 22 Rahns, PA.
 23 BY MR. HARRIS:
 24 Q. In Rahns?
 25 A. Yes.

Bruce DeRewal

June 16, 2003

Page 18

Page 20

1 A. It wasn't, it was just people that we knew
 2 that we went around and cut with torches scrap steel.
 3 Q. Hauled it away somehow?
 4 A. Yeah, really wasn't at anybody's house, it
 5 was just...
 6 Q. How long did you do that for?
 7 A. I did that for about a year, year and a
 8 half.
 9 Q. When did you next -- what was your next
 10 employment after that?
 11 A. Nick's Auto Parts.
 12 Q. Where's that located or where was that
 13 located?
 14 A. That's located in Upper Black Eddy.
 15 Q. What did you do for Nick's?
 16 A. Dismantled cars.
 17 Q. Was that like a junk yard?
 18 A. Yeah, junk yard.
 19 Q. How long did you work at Nick's Auto Parts?
 20 A. Two years.
 21 Q. What year are we getting up to do you think?
 22 A. '78, '79.
 23 Q. And how about after that?
 24 A. After that I went to work for my dad then,
 25 went back to work for him.

1 Q. Where else did you work?
 2 A. He had a building down on Ontario Street.
 3 Q. Anywhere else?
 4 A. At that point, no.
 5 Q. Now, you said Ontario Street, and this is a
 6 little bit of a memory thing, I want to try to jog your
 7 memory a little bit. Did you ever work at anyplace at
 8 the Wissinoming Industrial Park on Comly Street?
 9 A. That was after Ontario Street.
 10 Q. So you worked at Wissinoming?
 11 A. Yes.
 12 Q. And you worked at Ontario?
 13 A. Yes.
 14 Q. And you worked at the Boarhead site?
 15 A. Yes.
 16 Q. Before high school, I'm going to the other
 17 end now, before you graduated that is, were either
 18 Ontario Street or Wissinoming open during that period
 19 of time?
 20 A. No.
 21 Q. When you went back to work, was Ontario
 22 Street open --
 23 A. Yes.
 24 Q. -- when you went back to work for your dad?
 25 A. Uh-huh. Yes.

Page 19

Page 21

1 Q. How long did you work for your dad when you
 2 came back to work for your dad at that point?
 3 A. '79, maybe up to about '84, '85.
 4 Q. A little bit of this is a memory test
 5 obviously, so I want to spend a few minutes going over
 6 some of this to see if we can pin down the dates better
 7 than I've got them in my head anyway. When you went
 8 back to work for your dad, whatever year that was, what
 9 did you do?
 10 A. I was a mechanic, truck mechanic and a
 11 driver.
 12 Q. Anything else?
 13 A. No.
 14 Q. Again, we're focusing again on when you went
 15 back to work for your dad.
 16 A. '78, uh-huh.
 17 Q. Where did you -- did you have a place that
 18 you normally reported to for work?
 19 A. No. As far as an office, no.
 20 Q. Did you work at least some of the time out
 21 of the Boarhead site?
 22 A. That's where their office was, yes.
 23 Q. How about you though?
 24 A. Yes, sometimes I would do trip maintenance
 25 up there.

1 Q. When you came back to work for your dad, did
 2 you work continuously until his business shut down? By
 3 "his business", I mean the waste business.
 4 A. Yes, uh-huh.
 5 Q. Let's go back to before, while you're still
 6 in high school, let's talk about it that way. And you
 7 told us about Techalloy?
 8 A. Uh-huh.
 9 Q. What other customers did you pick up from in
 10 that period of time?
 11 A. That was probably just Techalloy.
 12 Q. That was, that was your run?
 13 A. Yeah.
 14 Q. Any other entities that you picked up from
 15 in that period of time?
 16 A. There was another one down in Warrington I
 17 think. I can't remember the name though.
 18 Q. Do you remember what street it was on?
 19 A. No. No, I don't.
 20 Q. Do you remember how you got there?
 21 A. Yeah, they were off of Street Road.
 22 Q. Let me show you a map.
 23 A. What was the name of that place?
 24 Q. Can you describe it for me? Maybe I can
 25 give you a suggestion.

Bruce DeRewal

June 16, 2003

Page 78

Page 80

1 Q. How about that M.A.B. thing?
 2 A. I don't know what that is, no.
 3 Q. But you think where it says Flexible on
 4 Valley Road in Hatboro, PA, that's your handwriting?
 5 A. That could be -- yes.
 6 Q. And how about the second page you showed us
 7 that's marked 51959, that's your signature in the upper
 8 right-hand corner where it says Bruce DeRewal?
 9 A. Yes.
 10 Q. And Flexible Circuits in Warrington, PA, is
 11 that your handwriting you think?
 12 A. No.
 13 Q. How about the list of drums of, whatever it
 14 says waste there. Is that your handwriting you think?
 15 A. That's possible, yes.
 16 Q. Do you have -- can you read that for us, I
 17 think it says drums of -- do you know what the rest
 18 says?
 19 A. Industrial waste.
 20 Q. Is that what you think it means?
 21 A. Yes.
 22 Q. Okay. And what's the number there where it
 23 says number of packages, the next line?
 24 A. Seventeen.
 25 Q. Okay. And what does the writing four lines

1 A. Sibecki.
 2 MR. DILLON: Objection to the form,
 3 Glenn, I just think the record's going to be totally
 4 unclear if you don't tell us on the record which page
 5 you're referring the witness to when you read things
 6 off the document.
 7 MR. HARRIS: The Ed Long one was 51945.
 8 BY MR. HARRIS:
 9 Q. Okay. Now, let's go back to P-63, I'm going
 10 to hand you that big stack. And again, would you look
 11 through and just stop at the first page that you come
 12 to where you recognize your signature, if you come to
 13 any that you recognize your signature.
 14 A. Okay.
 15 Q. You find one? Which page number? And use
 16 the ASHL numbers in the lower right-hand corner.
 17 A. 00038.
 18 Q. Okay. And you recognize that to be your
 19 signature?
 20 A. Yes.
 21 Q. Keep going, see if you can find anymore,
 22 please.
 23 A. 00052.
 24 Q. Okay.
 25 A. 00062, 71.

Page 79

Page 81

1 down say?
 2 A. Dropped off 20.
 3 Q. Uh-huh, and does that say empty down there?
 4 A. Yes.
 5 Q. Having looked at these two documents, now
 6 sitting here today, do you remember ever going to a
 7 company called Flexible Circuits in either Warrington
 8 or Hatboro off Valley Road?
 9 A. No, I don't. But I must have.
 10 Q. Yeah, the question though is: Do you
 11 remember now having seen this?
 12 A. No, I don't remember.
 13 Q. Okay. The next exhibit I'd like you to take
 14 a look at has been previously marked -- oh -- P-63,
 15 just so we complete that.
 16 Let me go back to P-10 though for a second,
 17 the one we were just looking at. You showed me the
 18 first two pages. And, you know, just to make this
 19 easy, I'm just going to show you the page that's marked
 20 51947, looks like it says Tony Kendust or something
 21 like that. Ring any bells of any such person?
 22 A. No.
 23 Q. I want to try this one here on you, Ralph A.
 24 Payton -- oh, it says John Barsum down here, never
 25 mind. And Edward Long is that Ed Sibecki?

1 Q. Okay.
 2 A. 92.
 3 Q. All right.
 4 A. 95. 5559. 193. I want to say 210.
 5 Q. You want to say that? Well, what does "I
 6 want to say that" mean versus -- are you not sure it's
 7 your signature?
 8 A. No.
 9 Q. And it's 210? The other ones you've been
 10 pretty sure about?
 11 A. The other ones I'm positive about.
 12 Q. This one that says Bruce you're suspicious
 13 about?
 14 A. Yes.
 15 Q. Do you have any thoughts on that one, why --
 16 A. Yeah. For a while my brother lost his
 17 driver's license and he was using mine. Doesn't look
 18 like my signature, looks like, more like my brother's
 19 name.
 20 Q. So you think that's your brother's?
 21 A. Yeah. He can't sign my last name but he can
 22 sign my first name somewhat.
 23 Q. Okay, that's the giveaway?
 24 MS. QUINN: What number was that?
 25 MR. HARRIS: 210.

Bruce DeRewal

June 16, 2003

Page 82

Page 84

1 BY MR. HARRIS:

2 Q. Okay, keep going. Got to the bottom?

3 A. Okay.

4 Q. Each time except for the one that just said
5 "Bruce", you recognize those signatures to be yours on
6 the documents?

7 A. Yes.

8 Q. Just looking at the first one, just as an
9 example, I know that's not your signature, but the ones
10 we've been looking at all say straight Bill of Lading
11 at the top?

12 A. Yes.

13 Q. Are these the kinds of documents that you
14 told us about earlier that you would get the customer
15 to sign when you picked up waste at their facility?

16 A. Yeah, somewhat like this, yes.

17 Q. Now, these all say Ashland Chemical Company.
18 Sitting here today having looked at these, do you
19 remember having gone to a customer called Ashland
20 Chemical Company?

21 A. No.

22 Q. Okay. Sitting here today, do you remember
23 ever picking up waste in northern New Jersey off Route
24 46, some facility off of Route 46?

25 A. No, I don't.

Page 83

Page 85

1 Q. Okay.

2 A. I mean, I must have, I have some Bill of
3 Ladings here, but I don't remember.4 Q. Fair enough. The question is whether you
5 remember or not. If you don't remember, you don't
6 remember and that's fine.7 A. I mean, there was like five or six in there.
8 All right.9 Q. Did you ever pick up waste at a place off of
10 Mill Creek Road out in Pennsylvania near Wycomb?

11 A. No.

12 Q. When you worked, when you were at the
13 Wissinoming facility, what were your job activities
14 down there?15 A. At Wissinoming I was down there, truck
16 mechanic, and I usually took care of the trailers that
17 came in.18 Q. All right. During the period of time that
19 you worked there, did you report there for work every
20 day?

21 A. Yes.

22 Q. Was anybody else there other than you on a
23 regular basis?

24 A. Just the drivers that would come down.

25 Q. Have you and I ever met before today?

1 A. No.

2 Q. Have we ever spoken on the phone before
3 today?

4 A. Yes.

5 Q. How many times?

6 A. Once? At least once.

7 Q. You remember once?

8 A. I remember once.

9 Q. Okay. How long ago was that that you and I
10 spoke on the phone that you remember?

11 A. Couple months ago.

12 Q. And what was the general subject of the
13 conversation?14 A. You explained to me what you were doing as
15 far as getting together and that you were going to
16 subpoena me to come down.17 MR. HARRIS: I don't think I have any
18 further questions. Why don't we take -- let's mark
19 this as P-66.20 (EXHIBIT P-66, SUBPOENA, IS MARKED FOR
21 IDENTIFICATION)

22 BY MR. HARRIS:

23 Q. Do you recognize that document that's been
24 marked P-66?

25 A. Yes, same thing that you mailed me or

	Page 83
1	Q. Okay.
2	A. I mean, I must have, I have some Bill of
3	Ladings here, but I don't remember.
4	Q. Fair enough. The question is whether you
5	remember or not. If you don't remember, you don't
6	remember and that's fine.
7	A. I mean, there was like five or six in there. 8 All right.
9	Q. Did you ever pick up waste at a place off of 10 Mill Creek Road out in Pennsylvania near Wycomb?
11	A. No.
12	Q. When you worked, when you were at the 13 Wissinoming facility, what were your job activities 14 down there?
15	A. At Wissinoming I was down there, truck 16 mechanic, and I usually took care of the trailers that 17 came in.
18	Q. All right. During the period of time that 19 you worked there, did you report there for work every 20 day?
21	A. Yes.
22	Q. Was anybody else there other than you on a 23 regular basis?
24	A. Just the drivers that would come down.
25	Q. Have you and I ever met before today?

	Page 85
1	shipped me, yes.
2	Q. A guy came and gave it to you probably?
3	A. Yes.
4	Q. And I want to direct your attention to the
5	language in bold that says "all non-privileged
6	documents in your possession", blah, blah, blah, "that
7	refer to or relate in any way to the Boarhead Farms
8	Superfund site."
9	A. Yes.
10	Q. Do you have any documents that in any way
11	relate to the Boarhead Farms Superfund site?
12	A. No.
13	MR. HARRIS: Here's what I suggest. I
14	want you all to assume that I'm done. I may have a
15	question or two that I think about during lunch. Why
16	don't we take a half hour lunch break. If I have a
17	question or two I'll get it over and whoever wants to
18	go next can go next.
19	MR. SABINO: At some point we may need
20	to --
21	MR. HARRIS: You can do that now. Let us
22	get our food first and we'll leave.
23	(LUNCHEON RECESS)
24	MR. HARRIS: I have just a few more
25	things to follow-up on.

Bruce DeRewal

June 16, 2003

Page 98

Page 100

1 Q. Now, where would the waste -- some of the
 2 acid solidified you said --
 3 A. Yes.
 4 Q. -- during the winter?
 5 A. Yes.
 6 Q. So explain to me again what you would have
 7 to do when that happened?
 8 A. I would have to heat the trailer up, the
 9 tanker.
 10 Q. You said with torpedos?
 11 A. Yeah.
 12 Q. What's that?
 13 A. It's a kerosene-fired, like hair dryer. And
 14 we'd put tarps around the trailer and put these heaters
 15 underneath it, try to heat it up.
 16 Q. When you'd have a trailer load of waste
 17 during the winter and you had to back it in to use the
 18 sewer and heat it up, how long did it take from the
 19 time you started that operation until that trailer was
 20 empty and you'd move it back into the yard?
 21 A. Days.
 22 Q. Days?
 23 A. Days sometimes. At least 12 hours.
 24 Q. At least 12 hours? Could you unload more
 25 than one trailer at a time in the way you described in

1 you know of?
 2 A. Not that I know of.
 3 Q. Without remembering the exact date, did
 4 there come a time when you and some of the other
 5 fellows were arrested down here at Wissinoming?
 6 A. Yes.
 7 Q. Do you know whether you participated in
 8 disposal of anything else at Wissinoming after that
 9 night?
 10 A. No.
 11 Q. No, you don't know or you didn't do it?
 12 A. I didn't do it.
 13 Q. You didn't?
 14 A. I didn't.
 15 Q. Was there ever any problem with disposal of
 16 material at Wissinoming that created fumes?
 17 A. No.
 18 Q. Or clouds or colored clouds of fumes and
 19 stuff?
 20 A. No.
 21 MR. HARRIS: I don't think I have
 22 anything further right now. Somebody else can go.
 23 MR. SABINO: Can you give us a couple
 24 minutes?
 25 (BRIEF RECESS)

Page 99

Page 101

1 the winter?
 2 A. In the winter?
 3 Q. Yeah.
 4 A. No.
 5 Q. So then within a 24-hour time period the
 6 most during the winter that you could unload one
 7 trailer down the sewer was two trailer loads?
 8 A. Yes. If they were frozen. If they weren't
 9 frozen and it was nice weather, then you could do more.
 10 Q. How cold out did it have to be for the waste
 11 to be frozen and require the time we're talking about?
 12 A. I don't know, but that one year we had, it
 13 was pretty cold, it was below zero a whole week.
 14 Wherever they were coming in from, they were frozen.
 15 Q. Do you remember which winter that was?
 16 A. No. I don't know where the drivers were
 17 coming in from, they were just dropping it off.
 18 Q. Right. During that winter where it was
 19 frozen for a week, what happened to all these tanker
 20 loads of waste?
 21 A. I spent a lot of time down at Wissinoming.
 22 Q. I'll bet.
 23 A. I think I spent weeks down there.
 24 Q. Did any of those, during the cold periods,
 25 ever get taken somewhere else to be disposed of that

1 (EXAMINATION OF MR. DeREWAL BY MS. QUINN)
 2 Q. Hi, Mr. DeRewal. My name is Maggie Quinn, I
 3 represent one of the defendants in this matter. I just
 4 have a couple questions for you concerning your prior
 5 testimony. You previously mentioned some trips that
 6 you had made to New Yorker Peters?
 7 A. New Yorker Peters, yes.
 8 Q. And I believe your testimony was that you
 9 picked up copper solution at the Frenchtown location?
 10 A. Uh-huh.
 11 Q. And you brought that up to New Yorker Peters
 12 in drums; is that correct?
 13 A. Yes.
 14 Q. Was there some type of facility at
 15 Frenchtown that produced that copper solution?
 16 A. It was just a building.
 17 Q. It was just a building. Do you know what
 18 the source of that copper solution was?
 19 A. No.
 20 Q. Was it your understanding at the time that
 21 it came from one of your father's customers?
 22 A. I don't know where it came from.
 23 Q. You don't know where it came from?
 24 A. No.
 25 Q. Do you have any further knowledge concerning

Thomas F. Healey

February 10, 2005

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
34 BOARHEAD FARM AGREEMENT
5 GROUP,CIVIL ACTION NO.
02-CV-3830Judge Legrome D. Davis
Oral Deposition of
THOMAS F. HEALEY

6 vs.

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
 UNITED STATES OF AMERICA
 DEPARTMENT OF NAVY,

Defendants.

* * * * *

19 Thursday, February 10, 2005
20 * * * * *21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10 o'clock A.M.

25 Certified Shorthand Reporting Services

Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Thomas F. Healey

February 10, 2005

1 A. I know the DEP and perhaps EPA came
 2 along and did some sampling. Whether they sampled in
 3 the river or not, I'm not sure, but there were other
 4 people, either feds or the state regulators who
 5 administered the Clean Water Act, Clean Streams Law
 6 that actually did their own inspection and samples.
 7 Q. Do you recall the names of any of those
 8 people?
 9 A. Guy Manley would have been one of them.
 10 Q. Guy Manley?
 11 A. Yes.
 12 Q. And what organization was he with?
 13 A. He was with the DEP.
 14 Q. Pennsylvania DEP?
 15 A. Yes.
 16 Q. Okay.
 17 A. At that time, it was DER.
 18 Q. Right. Do you know what his title was?
 19 A. Might have been a chemist.
 20 Q. Do you know what division he worked for
 21 in the DEP?
 22 A. Probably the water quality division.
 23 That's not what they call themselves now.
 24 Q. Whatever that used to be?
 25 A. Right.

Page 38

1 Q. Who received that phone call?
 2 A. I did and Kulesza -- well, we were both
 3 on the line at the same time.
 4 Q. Who was it if you know that was on the
 5 other end?
 6 A. One of the DeRewals.
 7 Q. Was it Manfred?
 8 A. I can't be sure now.
 9 Q. And then what did you do as a result of
 10 that phone call?
 11 A. Called Dave Michelman. Michelman in
 12 turn called their attorney, Chuck Peruto Sr. and said
 13 that they were -- his clients were tampering with
 14 city witnesses, to knock it off, and we're still
 15 alive to tell the tales.
 16 Q. How long did your investigation of the
 17 different companies who were Manfred DeRewal's
 18 customers continue, that investigation?
 19 A. Oh, for several months thereafter.
 20 Q. Okay. And what did you do with the
 21 information that you were receiving from these
 22 companies?
 23 A. I think we essentially totaled up the
 24 waste that was given to Manfred and calculated if it
 25 had all gone down our sewer system, what the cost in

Page 40

1 Q. Anyone else that you can recall who may
 2 have sampled that orange ice?
 3 A. May have. I don't know if he did or
 4 didn't, okay.
 5 Q. Okay. Other than the manager at
 6 Ashland, did the Industrial Waste Unit conduct
 7 interviews of any other representatives of companies
 8 it identified as customers of Manfred DeRewal?
 9 A. I spent a lot of my time in the
 10 subsequent months calling around different companies
 11 that were potential customers out of Bucks County,
 12 out of Reading, information we had from '74 from
 13 Ontario Street, reading the drums there, getting
 14 industry names off the drums, maybe some industry
 15 names off the drums at the Wissinoming Industrial
 16 property, information from AETC, and I think when I
 17 got to Chem Fab of Doylestown --
 18 Q. I'm sorry. What was the name?
 19 A. We continued those phone calls until we
 20 called one company that was -- that Manfred was
 21 servicing, a guy named Becker from Chem Fab in
 22 Doylestown, and right after that, we got a
 23 threatening phone call from the DeRewal saying if we
 24 didn't stop messing with their customers, they'd fix
 25 us.

Page 39

1 sewer disposal fees would have been had Manfred
 2 legitimately set up, got a permit to discharge and
 3 set up a proper water and sewer counts to receive
 4 his -- the pretreated waste.
 5 Q. Was the purpose of doing that to get
 6 some kind of money judgment from DeRewal?
 7 A. Well, we subsequently sent him a bill,
 8 not to DeRewal, but to --
 9 Q. We're going to get to the bill, which I
 10 have today.
 11 A. I think we sent that to Environmental
 12 Chemical Control.
 13 Q. Okay, all right. Other than the
 14 information provided to you by the companies, did you
 15 use any other information as an evidentiary basis to
 16 calculate these sewer charges that you're talking
 17 about?
 18 A. We might have used information we got
 19 from the grand jury.
 20 Q. Do you recall what that was?
 21 A. Well, I'm sworn to secrecy. I haven't
 22 been unsworn to secrecy, even though there was a
 23 petition to release information to the city
 24 solicitor's office a couple years later.
 25 Q. Okay. Do you know if that information

Page 41

Thomas F. Healey

February 10, 2005

Page 46

Page 48

1 MS. FLAX: I didn't hear the witness's
2 last answer.

3 THE WITNESS: Either the state or the
4 federal EPA activated a fund to do the cleanup with
5 the exception being that at least four tank trucks of
6 waste that were seized in the end of March ended up
7 on the police -- in the police pound and down at the
8 airport area.

9 Q. When you were investigating the
10 different companies who were DeRewal's customers at
11 this time, did -- strike that.

12 In addition to looking at the
13 information provided to you by Manfred DeRewal's
14 customers about the volume and types of wastes he was
15 handling, did you ever do any other kind of
16 investigation into the, let's say the volume of
17 wastes that were being taken to the Wissinoming
18 operation?

19 MR. SABINO: Objection. You already
20 asked him that. He said the grand jury records, he
21 said he talked to Michelman, other people, but if you
22 want to ask him again...

23 Q. Anything else?

24 A. I guess to your question, in other
25 words, the records from the companies indicated what

1 previously been marked as Exhibit D-18. I have
2 copies.

3 MS. FLAX: What exhibit is it?
4 MS. MOONEY: This is Exhibit D-18.
5 MS. FLAX: Thank you.

6 BY MS. MOONEY:

7 Q. Take a moment -- actually, take as long
8 as you need to actually read through this first two
9 pages and the attached two pages of this document, if
10 you will.

11 MS. MOONEY: Let's take a two-minute
12 break.

13 (Brief recess.)

14 MS. MOONEY: Okay, let's go back on.
15 We're looking at previously marked Exhibit D-18, and
16 the witness has had a chance to look this over.

17 BY MS. MOONEY:

18 Q. Do you recognize this document, Mr.
19 Healey?

20 A. Yes.

21 Q. Okay. Can you describe in your own
22 words, what it is?

23 A. The document is a letter and an attached
24 calculation, table sheet; letter is dated July 5th,
25 1978 addressed to Manfred DeRewal, post office box in

Page 47

Page 49

1 they gave to Manfred DeRewal. The connection between
2 Manfred DeRewal and taking it to Wissinoming was
3 never there. There was an assumption on our part.

4 Q. Okay.

5 A. So in other words, there were no records
6 kept by Manfred that I've seen or that I remember in
7 which, you know, he has a routing slip.

8 On a previous landfill case, we
9 actually had another midnight hauler dumper actually
10 creating a routing slip, and he would send waste,
11 dump it here and send it into a landfill here, and
12 he'd have a time and driver and truck assigned to it,
13 and that was clear, and that was grand jury
14 information where we could construct down to the
15 gallon how much hazardous waste went into what they
16 called Enterprise Avenue Landfill, which was a
17 Superfund site. That was water department property.

18 So that's where we got to know
19 Michelman before and have that working relationship.
20 So when DeRewal came along, we had just a one-stop
21 phone call to make, and we got all the service that
22 we wanted as far as on the -- getting the major
23 crimes detectives and the District Attorney's office
24 sort of interested.

25 Q. Okay. I'm going to show you what has

1 Revere, Pennsylvania, signed by my boss at the time,
2 Tom Kulesza, chief of the Industrial Waste Unit of
3 the Philadelphia Water Department, K-U-L-E-S-Z-A.

4 The attachment is calculation of
5 volumes discharged into the city sewer system from
6 August of '76 through March 24th, '78.

7 Q. Did you have any involvement in the
8 drafting of this letter?

9 A. I believe I did.

10 Q. Can you describe what that was?

11 A. Some of the data gathering, perhaps the
12 table, you know, generation of this table might have
13 been my work product or partially my work product.
14 At the time, back in the '70s, Kulesza and I did, we
15 did point memos, joint letter. We did almost
16 Tweedle-Dum Tweedle-Dee type, did a lot of
17 correspondence. Sometimes we even signed a letter
18 with two signatures.

19 Q. Okay. Referring -- well, first of all,
20 is the information in this letter, D-18, what you
21 were describing earlier as the billing of Manfred
22 DeRewal for sewer system charges?

23 A. That's correct.

24 Q. Okay. Referring to the attachment to
25 the letter entitled "Calculation of Volumes"

Thomas F. Healey

February 10, 2005

<p>1 Discharged into City Sewer System (August 1976 to 2 March 24, 1978)", can you describe the evidentiary 3 basis for the volume row here under "Dilute Waste 4 Acids or Alkaline"?</p> <p>5 A. Either information from the grand jury 6 or information from our own phone calls, which, once 7 we identified the person and a chemical company that 8 did business with Manfred, using him as a disposer, 9 we wrote them and asked, or a letter was sent out. 10 There would have been a letter sent out to these 11 people, most of whom responded and gave us the 12 information we needed.</p> <p>13 Q. Do you recall the type of information 14 that these companies were providing to you?</p> <p>15 A. Might have been invoices for different 16 loads issued by Manfred to the individual companies 17 at a certain -- that's why I couldn't remember, 38 18 cents. A lot of the invoices were 38 cents a gallon 19 for the cost of disposal, hauling and disposal.</p> <p>20 Q. Okay. Did you also receive from 21 companies copies of bills of lading if you recall?</p> <p>22 A. I'm not remembering the bills of 23 ladings, but certainly would have existed as opposed 24 to the invoices from the companies, and whether the 25 information came from having access to grand jury</p>	<p>Page 50</p> <p>1 during a certain window -- 2 Q. Got you. 3 A. -- that Wissinoming got it all. 4 Q. Did you ever, as part of your 5 investigation into the Wissinoming operation, 6 consider the possibility that perhaps some of the 7 waste that DeRewal had handled for these companies 8 went elsewhere? And when I say "elsewhere", I mean 9 other than the Wissinoming operation.</p> <p>10 A. We might have considered that, but for 11 the purposes of sort of jamming the bill up, we 12 assumed that he couldn't refute -- in other words, if 13 he was running this operation, limestone it. He 14 wasn't using lime. The lime was a sham.</p> <p>15 So even in the calculation, we assumed 16 that they were reacting the acids with lime, even 17 though they probably were not, and that was his 18 position. So he couldn't reverse his position on -- 19 and that produced the solids bill. If you look at 20 the rate charge, we charge for solids.</p> <p>21 Q. Yes.</p> <p>22 A. So a good chance he dumped the acids 23 down the sewer system, good chance at some time, it 24 stopped going to the treatment plant and went 25 directly to the river, but in our assumption, we</p>
<p>1 subpoenaed information or testimony or the phone 2 calls we made on our own. That's somewhat of a blur 3 in my mind of actually on an individual basis where 4 we totally -- how did we totally construct these 5 volumes and these particular chemical companies.</p> <p>6 Q. Okay. The grand jury testimony that you 7 are referring to, did that -- did that information go 8 toward the place where these wastes were disposed or 9 the amounts or something else or all of the above? 10 What information did you -- what did you use that 11 information for?</p> <p>12 A. What we were focusing on the grand jury 13 information as far as not -- we assumed that 14 Wissinoming, as Ontario Street, he had a place and an 15 opportunity to dump it. He was dumping. Whatever he 16 could get ahold of went there, and for the purposes 17 of us calculating a bill, that maximized, to the 18 maximum extent possible, the bill for service or 19 actually the penalty. We looked at it as a penalty, 20 so he wasn't going to get away scott free, at least 21 on the civil side, and so in my recollection, we 22 would be focusing on who were his customers, what it 23 was, and what the volume was.</p> <p>24 Q. Okay.</p> <p>25 A. Not -- as long as it went to Manfred</p>	<p>Page 51</p> <p>1 assumed that all of it was dumped, all of it was 2 reacted with lime, and all of it made it to the 3 treatment plant.</p> <p>4 Q. Okay.</p> <p>5 A. Okay. Those were assumptions, not 6 necessarily correct assumptions on our part, but for 7 the purposes of generating the maximum number, which 8 was -- what is it, 58,000?</p> <p>9 Q. Are you referring to the top of the 10 second page of the letter?</p> <p>11 A. Yeah. Well, the total bill.</p> <p>12 Q. The surcharge?</p> <p>13 A. 158,000.</p> <p>14 Q. Right.</p> <p>15 A. Right, yes. The purposes of maximizing 16 that number as a quasi-pseudo penalty.</p> <p>17 Q. Okay.</p> <p>18 A. All these assumptions took, the three 19 assumptions I just gave you, all the waste, all the 20 time down the sewer system, every pound of waste got 21 reacted with the right proportion of lime.</p> <p>22 Q. Okay. Do you recognize the name 23 Boarhead Farm?</p> <p>24 A. I've heard of it before, yes.</p> <p>25 Q. Had you heard of it during this time</p>